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Illinois Register

Rules of Governmental Agencies

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Jesse White
Secretary of State

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April 16, 1999 - Issue 16: Through March 31, 1999
July 16, 1999 - Issue 29: Through June 30, 1999
October 15, 1999 - Issue 42: Through September 30, 1999
January 14, 2000 - Issue 3: Through December 31, 1999 (Annual)

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
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Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
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Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

^{*} Monday following a state holiday.

^{**} Tuesday following a state holiday.

^{***} Since the state holiday is a Monday, the deadline is Noon on Tuesday.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- Heading of the Part: Riverboat Gambling
- Code Citation: 86 Ill. Adm. Code 3000 5)
- Proposed Action: Amendment Amendment Amendment Section Numbers: 3000.100 3000.614 3000.631 3000.660 3
- Statutory Authority: Riverboat Gambling Act [230 ILCS 10] 4)
- proposed amendments will allow riverboat casinos in Illinois to conduct chips and EPROMS, designated solely for tournament play and approved by the Administrator, are allowed. The amendments also will These promotional table game and slot tournaments, similar to those allowed in jurisdictions, while assuring appropriate integrity Special codify in rule existing Board practice of requiring laboratory testing of EPROMs manufactured and provided by supplier licensees for use in EGDs. A Complete Description of the Subjects and Issues Involved: safeguards and preventing adverse impact on taxable revenues. gaming tournament 2)
- Will these proposed amendments replace emergency amendments current effect? No (9
- Does this rulemaking contain an automatic repeal date? No
- No Do these proposed amendments contain incorporations by reference? 8
- Are there any other proposed amendments pending on this Part? 6
- of Statewide Policy Objectives: These proposed amendments do not affect units of local government. Statement 10)
- proposed rulemaking: Any interested party may submit comments in writing Time, place and manner in which interested persons may comment on this concerning this proposed rulemaking by no later than 45 days after publication of this notice to: 11)

160 N. LaSalle, Suite 300S Chicago, Illinois 60601 Illinois Gaming Board Mareile B. Cusack Chief Counsel

12) Initial Regulatory Flexibility Analysis:

FAX (312) 814-8798

(312) 814-4700

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NOTICE OF PROPOSED AMENDMENTS

- Types of small businesses, small municipalities, and not for profit corporations affected: None
- Reporting, bookkeeping, or other procedures required for compliance: B)
- C) Types of professional skills necessary for compliance: None
- This rulemaking was not included in the two most recent regulatory agendas on which this rulemaking was summarized: because: It was not anticipated when those agendas were published. Regulatory Agenda 13)

The full text of the proposed amendments begins on the next page:

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PART 3000

RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Participation in Games by Owners, Directors, Officers, Key Persons Owner's and Supplier's Duty to Investigate Organization of the Illinois Gaming Board Applicant/Licensee Disclosure of Agents Duty to Disclose Changes in Information No Opinion or Approval of the Board Communication with Other Agencies Fair Market Value of Contracts Place to Submit Materials Investigatory Proceedings Duty to Report Misconduct Rulemaking Procedures Disciplinary Actions Weapons on Riverboat or Gaming Employees Records Retention Public Inquiries Board Meetings Invalidity 3000.100 3000.101 3000.102 3000.103 3000.104 3000.105 3000.110 3000.115 3000.120 3000.130 3000.140 3000.150 3000.155 3000.160 3000.141 3000.165 3000.170 3000.180 3000.161 Section

SUBPART B: LICENSES

Acquisition of Ownership Interest By Institutional Investors Business Entity and Personal Disclosure Filings Identification and Requirements of Key Persons Disclosure of Ownership and Control Supplier's Licenses Renewal of Supplier's License Classification of Licenses Economic Disassociation Owner's License Renewal Other Required Forms Owner's Licenses Transferability Fees and Bonds Distributions Applications 3000.200 3000.220 3000.210 3000.223 3000.224 3000.225 3000.230 3000.231 3000.221 3000.222 3000.234 3000.235 3000.236 3000.240 3000.241 Section

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Certification and Registration of Electronic Gaming Devices Analysis of Questioned Electronic Gaming Devices Bankruptcy or Change in Ownership of Supplier Amendment to Supplier's Product List Transferability of Licenses Waiver of Requirements Occupational Licenses 3000.250 3000.270 3000.243 3000.245 3000.260 3000.271

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Analysis of Questioned Electronic Gaming Devices (Repealed)

Seizure of Gaming Devices (Repealed)

Disposal of Gaming Devices

3000.283

Transfer of Registration (Repealed) Registration of All Gaming Devices

3000.280 3000.281 3000.282

General Requirements - Internal Control System Minimum Standards for Internal Control Systems Approval of Internal Control System Review of Procedures (Repealed) Operating Procedures (Repealed) Modifications (Repealed) 3000.300 3000.310 3000.320 3000.330 3000.340 3000.350 Section

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Motions for Summary Judgment Requests for Hearings Subpoena of Witnesses Proceedings Appearances Discovery Evidence 3000.405 3000.410 3000.415 3000.420 3000.424 3000.425 3000.430

Coverage of Subpart

Section 3000.400

Prohibition on Ex Parte Communication Sanctions and Penalties 3000.431 3000.435

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EXCURSIONS SUBPART E:

Disrupted Cruises; Violations and or Cancelled Excursions During Time of Excursion Fines 3000.500 3000.510

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SUBPART F: CONDUCT OF GAMING

Wagering Only with Approved Chips, Tokens and Electronic Cards Disposition of Unauthorized Winnings Authorized Games	Gaming Positions Publication of Rules and Payout Ratio for Live Gaming Devices	Tournaments, Enhanced Payouts and Give-aways Payout Percentage for Electronic Gaming Devices	Cashing-In Submission of Chips for Review and Approval	Chip Specifications	Primary, Secondary and Reserve Sets of Gaming Chips	Issuance and Use of Tokens for Gaming	Distribution of Coupons for Complimentary Chips and Tokens	Exchange of Chips and Tokens	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor	Inventory of Chips	Destruction of Chips and Tokens	Minimum Standards for Electronic Gaming Devices	Integrity of Electronic Gaming Devices	Bill Validator Requirements	Computer Monitoring Requirements of Electronic Gaming Devices
			Cashi	Chip	Prima	Issua	Distr	Excha	Recei	Inven	Destr	Minim	Integ	Bill	Compu
Section 3000.600 3000.602 3000.605	3000.606	3000.614	3000.616	3000.625	3000.630	3000.635	3000.636	3000.640	3000.645	3000.650	3000.655	3000.660	3000.665	3000.666	3000.670

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	Duty to Exclude	Distribution and Availability of Exclusion Lists	Criteria for Exclusion or Ejection and Placement	List	Duty of Licensees	Procedure for Entry of Names	Petition for Removal from Exclusion List
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on an Exclusion

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	Required Surveillance Equipment	Riverboat and Board Surveillance Room Requirements	Segregated Telephone Communication	Surveillance Logs	Storage and Retrieval	Dock Site Board Facility	Maintenance and Testing
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and

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11105 11115 11115 11120 11126 11130 11139 11139 11140 11146 11150 11150	0011.00	Coverage of Subpart
.1110 1115 11120 11126 11136 11139 11139 11140 11140 11150 11155	00.1105	Duty to Maintain Suitability
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.1145 .1146 .1150 .1155	00.1140	Proceedings
.1146 .1150 .1155	00.1145	Evidence
.1150 .1155 ORITY:	00.1146	Prohibition of Ex Parte Communication
.1155 ORITY:	00.1150	Sanctions and Penalties
ORITY:	00.1155	Transmittal of Record and Recommendation to the Board
	THORITY:	Implementing and authorized by the Riverboat Gambling Act [230 ILCS

SOURCE: Emergency rule adopted at 15 III. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 III. Reg. 18263, effective December 10, 1991; amended at 16 III. Reg. 13310, effective August 17, 1992;

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150 days; emergency amendment at 22 III. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 III. Reg. 4390, effective February 20, 1998; amended at 22 III. Reg. 10449, effective May 27, 1998; amended at 22 III. Reg. 19541, Reg. 17324, effective September 21, 1998; amended at 22 III. Reg. 19541, 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of , effective amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 111. Reg. 6280, effective April 21 Ill. Reg. 4642, effective April 1, 1997; emergency effective October 23, 1998; amended at 23 Ill. Reg. 1996; amended at

SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

For purposes of this Part the following terms shall have the following meanings:

'Act": The Riverboat Gambling Act. [230 ILCS 10].

through one or more intermediaries, controls, or is controlled by, or specified person shall, mean a person that directly, or indirectly "Affiliated with", or person is under common control with, such person. 'Affiliate": An "Affiliate of",

every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human 'Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and

through a third party or parties on behalf of the person pursuant to a in a Business Entity deemed to be held by a person not through the person's actual noldings but either through the holdings of the person's relatives 'Attributed Interest": A direct or indirect interest plan, arrangement or agreement.

into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency, validates the currency, stores "Bill Validator": Any electro-mechanical device attached either on or the currency, and issues Electronic Credits equal to the value of currency inserted into the device.

'Board": The Illinois Gaming Board.

"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company,

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for shares, trust, sole proprietorship or other business partnership enterprise.

for cash, and issued and sold by a holder of an Owner's license for use in Gaming other than in Electronic Gaming Devices on of non-metal or partly metal representative such holder's Riverboat or Riverboats. "Chip": A redeemable

"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation. "Dependent": Any individual who received over half of his support in a calendar year from any other individual. "Electronic Card": A card purchased from a holder of an Owner's license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device. "Electronic Credit": A value owed to a patron on an Electronic Gaming

3000.605 Single-Position Reel-Type, Single-Position Single-Game Video "Electronic Gaming Device": Includes as approved Games under Section and Single-Position Multi-Game Video Electronic Gaming Devices.

or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency of Tokens "Electronic Gaming Device Drop": The total face value collected from the Bill Validator drop box. Drop "Electronic Gaming Device Win": The Electronic Gaming Device minus hand-paid jackpots minus hopper fills.

payout percentage and/or contains a random number generator that Programmable, Read Only Memory, which is a microprocessor component that stores memory and selects the outcome of a Game on an Electronic Gaming Device. "EPROM": An acronym for Erasable,

but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section "Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List 3000.720 of this Part. "Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming

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Gaming operation or pose a threat to the interests of the State of operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or Administrator, call into question the honesty or integrity Illinois.

anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or "Game": A gambling activity which is played for money, property, or mechanical devices or machines. conducting, ou, operating, carrying maintaining or exposing for play of any Game. dealing, "Gaming": The

result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or implement which is integral to the operation of a Game or affects the machines; cards or dice; layouts for Live Gaming Devices; any or Electronic Cards; and hardware and device, representative of value used with any Game, including "Gaming Equipment/Supplies": A machine, mechanism, software related to any item described herein. Tokens, limitation Chips,

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming. "Hand": Either one Game in a series, one deal in a card Game, or cards held by a player. "Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

144A (17 CFR buyer" defined by Securities and Exchange Commission Rule "Institutional Investor": A "qualified institutional 230.144A) under the Securities Act of 1933, as amended. "Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an for the purpose of exercising control over the Riverboat Gaming Operation. Owner's license

gaming at a Riverboat Gaming Operation and is entity that facilitates a patron's as an employee but as an independent contractor, by or person not A participation "Junketeer": compensated,

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or that Operation based upon how much the patron actually wagers

as subject to regulatory approval as a Person able to control, or "Key Person": A Person identified by the Board under Section 3000.222 or the management, assets, operating policies of an owner or supplier licensee. exercise significant influence over,

Device, upon which Gaming is conducted or which determines an outcome "Live Gaming Device": Any apparatus, other than an Electronic Gaming limited to roulette wheels, keno machines, punchboard tickets and which is the object of a wager. This definition includes but tables with layouts utilized in Games approved by the Board.

employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of \$100 per patron per trip ö "Marketing Agent": A person or entity, other than a junketeer identifying and recruiting patrons. "Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action Restriction, Denial, of Notice "Notice of Board Action": A issued by the Board.

affiliate controlling such person directly, or indirectly through one "Parent Company": A "parent company" of a specified person is or more intermediaries.

'Payout": Winnings earned on a wager.

Person": "Person" includes both individuals and Business Entities.

'Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action. "Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter. An award for winning play in a Game, the value Wager to a of which is determined by the contribution of a portion of each placed into play or the combined amount of several wagers linked 'Progressive Jackpot":

children, siblings, grandparents, parents, 'Relative": Spouse,

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mothers-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or nieces, fathers-in-law, relationship, and Dependents. nephews, aunts, sons-in-law,

food, beverages, retail goods and services, and transportation, on a "Riverboat Gaming Operation": The owner licensee, Gaming Operations Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying Riverboat and at its Support Facilities.

chip, determined by electronic analysis and reflective of the EPROM "Signature": The definitive identity of an individual specific chip's game behavior capability. "Substantial Owner": A person who has an ownership interest of 25% or more in a Business Entity.

security services or lessor of a Riverboat or dock facilities or a provider of any goods or services where payment is calculated by a Gaming Equipment maintenance or repair services, provider or a percentage of a Riverboat Gaming Operation's revenues. "Supplier": Either a Gaming Operations Manager Gaming Equipment,

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their Key Persons, including without limitation Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants. "Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

license through play at a live Game which is the total of the Table inventory plus credits minus opening Chip "Table Win": The dollar amount won by the holder of an Drop plus ending Chip inventory minus fills. of Tokens wagered which will be returned to players by an Electronic Gaming Device. percentage "Theoretical Payout Percentage": The

cash only at and "Token": A metal representative of value, redeemable for the issuing Riverboat Gaming Operation, and issued holder of an Owner's license for use in Gaming. "Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of

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currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Tournament EPROM": A specially designed EPROM with a mode of play that provides for a mathematically demonstrable payout of more than 100 percent,

and permanently impressed, engraved or the Riverboat Gaming Operation and the "Value Chip": A Chip, clearly and permanently impressed, engraved imprinted with the name of the Riverboat Gaming Operation and specific value of the Chip.

"Wager": A sum of money or thing of value risked

effective Reg. 111. 23 at (Source: Amended

CONDUCT OF GAMING SUBPART F:

Section 3000.614 Tournaments, Enhanced Payouts and Give-aways

- of this Section, the following terms shall have the following meanings: purposes For a)
- Enhanced Payout: An event sponsored by a Riverboat Gaming upon a specified outcome in such Game, a payment or thing of value in excess of payouts contained in the Internal Control The cost of such excess payment or thing of value may be subtracted from Gross approved variation of a Game and thereby qualify for receiving, Operation wherein Gaming patrons participate in a Game Receipts in determining Adjusted Gross Receipts. System or as displayed on the Gaming Device.
- increased -- with cash or and non-cash prizes offered by from the cost of any cash or non-cash prizes and added-to-the entry fees for a Tournament may not be subtracted from Gross Receipts in a Game or Games and of-the total of any all-such entry fees to the contest and which-may--be Riverboat-Saming-Operation-are-assessed-an-entry-fee--to--play--a 6ame--or--6ames;-wherein-the-patrons-are-required-to-wager-at-the Game-or-Games-and-wherein-winning-patrons receive, separate, from applicable winnings from wagers, prizes that include the Riverboat Gaming Operation in conjunction with the contest. Tournament: A contest sponsored by a Riverboat Gaming wherein patrons play or wager on determining Adjusted Gross Receipts. 2)
- Give-away: A Game where patron entry to the Game is determined by attendance on a riverboat or the attainment of a certain outcome or an accumulation of points/credits on a Gaming Device. 3

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cost of prizes paid in a Give-away may not be subtracted from Gross Receipts in Determining Adjusted Gross Receipts.

- conducted Tournaments, Enhanced Payouts or Give-aways may only be when: Q Q
- Documented in the Internal Control System of the holder of an Owner's License;
 - In conformance with the Act, this Part and the Internal Control System; and 2)
 - Approved by the Administrator. 3
- Enhanced Payouts or Give-aways involving Gaming shall be submitted by the holder of an Owner's License pursuant to Sections 3000.300 through The Internal Control System provisions for the conduct of Tournaments, 3000.320. ô
- Requests for the conduct of specific Tournaments, Enhanced Payouts and οĘ in writing prior to the proposed Give-aways involving Gaming must be received days least 14 Administrator at implementation. q)

effective Red. 111. 23 at (Source: Amended

Tournament Chips Section 3000.631

Chips, separate from required Value and Non-Value Chips, for use in a The Administrator may authorize a Riverboat Gaming Operation to possess a Tournament as authorized in Section 3000.614. oĘ

- prescribe the procedures for the receipt, storage, use, accounting and The Internal Control System of the Riverboat Gaming Operation destruction of a set of Chips solely for use in a Tournament. a)
- Chips approved under this Section 3000.631 shall be of a design and of such color, quality and denomination as the Administrator determines the Board, in consideration of the limited use and surveillance accounting, to be consistent with intended for such Chips. requirements a
- may only be used in a Tournament and may not, in any instance, be redeemed as Value Chips or used in any Game, other than in an approved A set of Chips approved by the Administrator for use in a Tournament 5
- Tournament, except that Value Chips and a set of Chips approved under this Section solely for use in a Tournament may not be utilized in the Nothing in this Section shall preclude the use of Value Chips ģ

effective	
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23	
at	
Added	
(Source:	

Section 3000.660 Minimum Standards for Electronic Gaming Devices

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ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- than 100% unless otherwise approved by the Administrator. meet this standard when using a method of play that will provide the Gaming Devices shall pay out a mathematically demonstrable Electronic Gaming Devices that may be affected by player skill must percentage of all amounts wagered, which must not be less than greatest return to the player over a period of continuous play. Electronic Gaming Devices shall: Electronic a) q
- Be controlled by a microprocessor or the equivalent;
 - Be compatible to on-line data monitoring;
- subsequent to a review of the EPROM by an independent laboratory Contain an EPROM that has been approved by the Administrator
 - designated by the Administrator.
 4)3+ Have a separate locked internal enclosure within the device the circuit board containing the EPROM;
- 5)47 Be able to continue a Game with no data loss after a power failure;
- 615+ Have previous and current Game data recall;
- 7)6+ Have a random selection process that must not produce detectable patterns of Game elements or detectable dependency upon any Game outcome, the amount wagered, or upon the style or method of play; previous
- payout 8)7+ Clearly display applicable rules of play and the schedule;
- selection of the Game outcome, the Electronic Gaming Device must not make a variable secondary decision which affects the result 9)8+ Display an accurate representation of each Game outcome. shown to the player;
 - 10197 Have a complete set of nonvolatile meters including Tokens-in, Tokens-out, Tokens dropped and jackpots paid;
- play each possible permutation or combination of Game elements 11)10 Make available for random selection at the initiation of each which produce winning or losing Game outcomes; and
- any function of the computation 12)11+ Not automatically alter pay-tables or Electronic Gaming Device based on internal hold percentage.
- jackpot payout tickets must be prepared containing the When an Electronic Gaming Device is unable to drop sufficient Tokens for payment of jackpots requiring the payment to following information: Riverboat, c)
 - The location of the Electronic Gaming Device; 7
- The date; 3)
- The time of day;
- The Electronic Gaming Device number;
- The amount of the jackpot payout in numeric form if the ticket is machine generated, or in written and numeric form if the ticket is prepared manually; 5)
 - The signature of the holder of an Owner's license or Riverboat Gaming Operation employee making the payment; and (9

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NOTICE OF PROPOSED AMENDMENTS

- 7) A signature of at least one other Riverboat Gaming Operation employee attesting to the accuracy of the form.

 Electronic Gaming Devices linked to any Progressive Jackpot system
 - d) Electronic Gaming Devices linked to any Progressive Jackpot system shall meet the following specifications:
- above the interlinked Electronic Gaming Devices, and metered incrementally by a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Jackpot, or that is linked to a Progressive Jackpot, must must prominently display a manufacturer-supplied glass indicating either that a Progressive Jackpot is to be paid or indicating the current amount of the jackpot. All Electronic Gaming Devices linked and contributing to a common Progressive Jackpot shall have the same probability of hitting the combination that will award the Progressive Jackpot;
- A Progressive Jackpot may be transferred to another progressive Electronic Gaming Device at the same location in the event of a device malfunction or replacement, with approval of the Administrator;
- A holder of an Owner's license may impose a limit on the Progressive Jackpot of Electronic Gaming Devices which are linked to any Progressive Controller;
- 4) No Progressive Jackpot indicator shall be cancelled or turned back to a lesser amount unless one of the following circumstances
- A) The amount shown on the progressive meter is paid to
- player as a jackpot;

 B) It becomes necessary to adjust the progressive meter to prevent the jackpot indicator from displaying an amount

greater than the limit imposed by the Riverboat Gaming

- Operation pursuant to subsection (d)(3) of this Section; and C) It becomes necessary to change the jackpot indicator because of an Electronic Gaming Device malfunction, in which case such malfunction and adjustment must be recorded by appropriate Electronic Gaming Device monitoring on-line data system;
- Progressive Jackpot must secure the amount of same by a cash deposit, a performance bond, or a security instrument nationally recognized in the Gaming industry. The Administrator must approve all deposits, bonds, or other instruments, and the security instrument must be secured in a method approved by the Administrator.
- e) The Administrator may approve, for use in a Tournament involving Electronic Gaming Devices, a Tournament EPROM subject to the following requirements:
 - 1) The Tournament EPROM has been tested and approved for use as may be required by the Administrator.

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ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) The installation, use and secure storage of the Tournament EPROM is provided for in the Internal Control System of the Riverboat Gaming Operation.
- 3) The Tournament EPROM is installed and removed from an Electronic Gaming Device only in the presence of a Board agent.
- 4) An Electronic Gaming Device is rendered unavailable for wagering or play, except in the conduct of a Tournament, when a Tournament EPROM is installed in the Electronic Gaming Device.
- 5) As applicable, the Administrator has waived or modified the data reporting and monitoring requirements of Section 3000.670 so as to prevent inapplicable Tournament payout information from being used in the calculation of Adjusted Gross Receipts.
- 6) Patrons engaging in a Tournament have been given proper information as to the effect that play with a Tournament EPROM has on the rules of play and the payout information that is posted on Electronic Gaming Devices used in the Tournament.

(Source: Amended at 23 Ill. Reg. effective

NOTICE OF PROPOSED AMENDMENTS

Heading of the Part: Aid to the Aged, Blind or Disabled

î

- Code Citation: 89 Ill. Adm. Code 113 5
- Proposed Action: Amendment Amendment Section Numbers: 113.253 113,260 3)
- [305 Code Statutory Authority: Section 12-13 of the Illinois Public Aid ILCS 5/12-13] 4)

(S

increase from July 1977 and later will be available to clients. To comply with federal regulations, this rulemaking increases the grant adjustment passed on to the recipient. Persons receiving both SSA and SSI will adjustment is an allowance for Aid to the Aged, Blind or Disabled cases that ensures that the amount of the Supplemental Security Income (SSI) Security and SSI benefits to ensure that the cost of living increase is Complete Description of the Subjects and Issues involved: A grant and sheltered care rate amounts by the amount of the increase in Social increase receive a total increase of 1.3% for both benefits. received in the January 1999 SSA/SSI checks.

a result of the increase in January 1999 SSA/SSI benefits, these amendments increase the grant adjustment and the sheltered care rates.

- currently rule emergency an Will this proposed rulemaking replace effect? No (9
- Does this rulemaking contain an automatic repeal date? No 2
- 20 Does this rulemaking contain incorporations by reference? 8
- Are there any other amendments pending on this Part? 6

Illinois Register Citation	22 Ill. Reg. 21226	22 Ill. Reg. 15872	22 Ill. Reg. 15872	22 Ill. Reg. 11266	22 Ill. Reg. 11266
Proposed Action	Amendment	Amendment	Amendment	Amendment	New Section
Section Numbers	113.1	113.107	113.111	113.157	113.158

- This rulemaking Statement of Statewide Policy Objectives (if applicable): does not create or expand a State mandate. 10)
- <u>proposed rulemaking</u>: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in Place, and Manner in which interested persons may comment on this Time, 11)

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

writing to:

Bureau of Administrative Rules and Procedures Telephone number: 217/785-9772 Department of Human Services Ms. Susan Weir, Bureau Chief 100 South Grand Avenue East 3rd Floor Harris Bldg. Springfield IL 62762

12) Initial Regulatory Flexibility Analysis

- Types of small businesses, small municipalities and not for profit corporations affected: Sheltered care facilities a
- bookkeeping or other procedures required for compliance: Reporting, 5)
- Types of professional skills necessary for compliance: None 3)
- was not included on either of the 2 most recent regulatory agendas because: it was not anticipated by the Department when the 2 most recent Regulatory agenda on which this rulemaking was summarized: This rulemaking regulatory agendas were published. 13)

The full text of Proposed Amendments begins on the next page:

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF HUMAN SERVICES SUBCHAPTER b: ASSISTANCE PROGRAMS TITLE 89: SOCIAL SERVICES CHAPTER IV:

AID TO THE AGED, BLIND OR DISABLED PART 113

GENERAL PROVISIONS SUBPART A:

Description of the Assistance Program Incorporation By Reference Section 113.5 113.1

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Institutional Status Client Cooperation Living Arrangement Citizenship Residence Disabled Blind Section 113.20 113.10 113,40 113.50 113.60 113.70 113.9

FINANCIAL FACTORS OF ELIGIBILITY SUBPART C:

Social Security Number

113,80

Budgeting Unearned Income of Applicants Receiving Income On Date Application And/Or Date of Decision Initial Receipt of Unearned Income Termination of Unearned Income Budgeting Unearned Income Unearned Income In-Kind Earmarked Income Unearned Income Section 113.100 113.101 113,102 113.103 113,105 113,106 113.104 113.107

Lump Sum Payments and Income Tax Refunds Protected Income (Repealed) Earned Income (Repealed) 113.108 113,109

Budgeting Earned Income (Repealed) Protected Income 113,110 113,111

Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision Exempt Unearned Income Earned Income 113,112 113.113 113,114

Initial Employment

113,115

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Budgeting Earned Income For Non-contractual School Employees Budgeting Earned Income For Contractual Employees 113.117

Termination of Employment Exempt Earned Income 113,118 113.120

Income From Work/Study/Training Programs Recognized Employment Expenses 113,125 113,130

From Roomer and Boarder Earned Income From Self-Employment Earned Income 113.131 113,132

From Rental Property Earned Income In-Kind Income 113.134

Earned

113,133

Payments from the Illinois Department of Children and Family Services Assets 113,139

Exempt Assets 113.140 113.141

113.142

Deferral of Consideration of Assets Asset Disregard 113,143

Property Transfers For Applications Filed Prior To October 1, 1989 113.154

Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed) (Repealed) 113.155

Court Ordered Child Support Payments of Parent/Step-Parent 113,156

Sponsors of Aliens 113,157

Assignment of Medical Support Rights 113,160

PAYMENT AMOUNTS SUBPART D:

Personal Allowance Amounts Payment Levels for AABD Personal Allowance Shelter 113.245 113.246 113.247 113.248

Section

Utilities and Heating Fuel Laundry 113.249 113.250

Transportation, Lunches, Special Fees Telephone 113.251 113.252

oĘ

Nursing Care or Personal Care in Home Not Subject to Licensing Allowances for Increase in SSI Benefits 113,253 113.254

Special Allowances for Blind and Partially Sighted (Blind Only) Sheltered Care in a Licensed Group Care Facility Shopping Allowance 113.255 113.256 113.257

AABD Fuel and Utility Allowances By Area Home Delivered Meals 113.258 113.259

Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Care Intermediate Sheltered Care Rates Licensed Cases in 113.260

Medical

Meeting the Needs of an Ineligible Dependent with Client's Income Facilities 113.262

OTHER PROVISIONS SUBPART E:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Persons Who May Be Included In the Assistance Unit

113.300

Section

Other	from	Limitation on Amount of AABD Assistance to Recipients from Other	Assistance	AABD	of	Amount	on		113.309
					ce	Allowan	ter	Excess Shelter Allowance	113,308
				nance	ainte	rs and M	pai	Property Repairs and Maintenance	113.307
		Repealed)	Purchase and Repair of Household Furniture (Repealed)	ehold	Hous	epair of	ld R	Purchase ar	113,306
						dule	che	Budgeting Schedule	113.305
					ט	Budgetin	ve	Retrospective Budgeting	113.304
				S	ation	Authoriz	ggs	Special Needs Authorizations	113,303
				(p	peale	ance (Re	ist	Interim Assistance (Repealed)	113.302
						Cases	ed (113,301 Grandfathered Cases	113.301

EMERGENCY

States (Repealed)

	(Repealed)
Eligibility	VA Appellants
of E	for
Redetermination	Attorney's Fees
113.320 Re	113.330 At

SUBPART F: INTERIM ASSISTANCE

	Description of the Interim Assistance Program	Pending SSI Application (Repealed)		Non-Financial Factors of Eligibility (Repealed)	
Section	113,400	113.405	113.410	113.415	113.420

AUTHORITY: Implementing Article III and authorized by Section 12-13 of Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

Attorney's Fees for SSI Appellants (Renumbered)

States (Repealed)

113.450

113.500

Limitation on Amount of Interim Assistance to Recipients from Other

effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, for a maximum of 150 days; emergency amendment at 3 111. Reg. 28, p. 182, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg.

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

p. 134, effective October 27, 1980; amended at 5 111. Reg. 766, effective January 2, 1981; amended at 5 111. Reg. 1134, effective January 26, 1981; 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 111. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; III. Reg. 37, p. 800, effective September 2, 1980; amended at 4 III. Reg. 45, peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 111. Reg. 7071, effective June 23, 1981; amended at 5 111. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, p. 1, effective November 15, 1979; peremptory amendment at 4 111. Reg. 9, p. amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. with

NOTICE OF PROPOSED AMENDMENTS

1987, for a maximum of 150 days; amended at 11 111. Reg. 20880, effective March 15, 1988; amended at 12 111. Reg. 6151, effective March 22, 1988; amended effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 111. Reg. 3150, effective February 6, 1987; amended at 11 111. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 III. Reg. 12441, effective July 10, December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective at 12 111. Reg. 7687, effective April 22, 1988; amended at 12 111. Reg. 8662, 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a naximum of 150 days; amended at 13 1111. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, III. Reg. 14806, effective September 3, 1990; amended at 14 III. Reg. 16957, effective September 30, 1990; amended at 15 III. Reg. 277, effective January 1, a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 effective November 1, 1991; amended at 16 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; 14467, effective September 1, 1989, for a maximum at 15 Ill. Reg. 16709,

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NOTICE OF PROPOSED AMENDMENTS

Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective effective January 26, 1995; amended at 19 1111. Reg. 2875, effective February for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 III. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, 24, 1995; amended at 19 111. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 111. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. September 15, 18931, effective October 1, 1998; emergency amendment at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. .50 days; emergency amendment at 16 Ill. Reg. 14722, effective effective

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- An allowance for \$321.90 \$279.90 is authorized for all AABD cases as a A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will available to clients. 'grant adjustment". a)
- adjustment" of \$10 \$10 \$100 is authorized. Individuals receiving allowance for Sheltered Care or Care Not Subject to Licensing a "grant Interim Assistance or residing in long term group care facilities assistance payments include whose not receive any "grant adjustment". EXCEPTIONS: For clients q

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Amended	
(Source:	

Section 113.260 Sheltered Care Rates

Group III	Counties
Needs	Assessment
Group II	Counties

NOTICE OF PROPOSED AMENDMENTS

\$ 730.55688=55	2	748.55786-55	754.557±2-55	760.557±8-55	766.55724.55	772.55730-55	778.55796-55	784.55742.55	790.55748-55	796.55754+55	802.55760.55	808.55766-55	814.55772-55	820.55778-55	826.55784-55	832.55790-55
7-0	6	10	1.1	12	13	14	15	16	17	1.8	19	20	21	22	23	24
\$ 718.55676.55 723.5568±.55	8.5	733.55691+55	738.55696-55	743.55701.55	748.55786-55	753.557±±-55	758.55716-55	763.55721-55	768.55726.55	773.55731.55	778.55736-55	783.55741.55	788.55746-55	793.55751-55	798.55756.55	803,55762-55

- Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will. a)
- Group III Counties are Cook, DuPage, Kane, Lake and Will. G D
- social AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs Rate includes shelter factor and approved activity and rehabilitation programs. assessment guidelines.

effective Reg. 111. 23 at (Source: Amended

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Introduction
- 35 III. Adm. Code Citation:

Heading of the Part:

1)

Numbers	35 iii. Adm. Code 301	Proposed Action:	New	wew															
3 2	Code Citation:		301.221	301.231	301,301	301.311	301.312	301,331	301.341	301,346	301,356	301.371	301.372	301.373	301.411	301.421	301.441	301.442	301,443

- Statutory Authority: 415 ILCS 5/5, 13, and 27 4)
- proposes to amend the Board's rules by updating the citation to the Code of Federal regulations at Section 301.106 and by adding specialized definitions that are contained in the rules adopted by the Illinois Environmental Protection Agency (IEPA) at 35 Ill. Adm. Code 352.104. These amendments were proposed by the IEPA to the Board to ensure A Complete Description of the Subjects and Issues Involved: This rule consistency between the Board and IEPA's rules regarding the implementation of the federal Great Lakes Initiative in Illinois. For a complete history of this rulemaking please see the Board's opinion and order of March 4, 1999 in R99-8. 2)
- No Will this proposed rule replace an emergency rule currently in effect? (9
- Does this rulemaking contain an automatic repeal date? 7
- No Does this proposed amendment contain incorporations by reference? 8
- Are there any other proposed amendments pending on this Part? No 6
- Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]. 10)

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

proposed rulemaking: Written comments concerning this rulemaking should reference 99-8 and be sent to: 11)

Clerk of the Pollution Control Board 100 West Randolph Street Chicago, Illinois 60601 Suite 11-500 Dorothy Gunn

Questions regarding this proposal may be directed to Marie E. Tipsord at 312-814-4925.

Initial Regulatory Flexibility Analysis: 12)

- Types of small businesses, small municipalities and not for profit corporations affected: This will affect dischargers and NPDES permittees in the Lake Michigan Basin. A)
- Reporting, bookkeeping, or other procedures required for compliance: B)
- Types of professional skills necessary for compliance: None Û
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

CHAPTER I: POLLUTION CONTROL BOARD TITLE 35: ENVIRONMENTAL PROTECTION SUBTITLE C: WATER POLLUTION

PART 301

INTRODUCTION

Section

Lake Michigan Lakewide Management Plan Bioaccumulative Chemicals of Concern References to Other Sections Incorporations by Reference Combined Sewer Service Area Area of Concern Artificial Cooling Lake Method Detection Level Calumet River System Chicago River System Analytical Testing Adjusted Standards Industrial Wastes Interstate Waters Intrastate Waters Combined Sewer Dilution Ratio Administrator Hearing Board Marine Toilet Minimum Level Severability Aquatic Life Construction Other Wastes Definitions Land Runoff New Source Institute Authority Effluent Repeals Policy Agency Basin Board NPDES CWA Act 301.107 301.108 301.208 301.208 301.210 301.210 301.221 301.225 301.225 301.231 301.232 301.235 301.255 301.255 301.255 301.255 301.255 301.265 301.265 301.265 301.265 301.265 301.280 301.312 301.301 301.102 301.103 301.104 301.105 301.106 301.300 301,305 301,310 301.311 301.320 301.101

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Outlier

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Secondary Contact Sanitary Sewer Sewage Sludge Sewer 301.380 301.385 301,390 301,395 301,375

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Wastewater Source Watercraft Wastewater Waters 301.425 301.430 301.435 301.440

Water Quality Based Effluent Limitation References to Previous Rules Wet Weather Point Source Whole Effluent Toxicity APPENDIX 301,442 301.441 301,443

of the AUTHORITY: Implementing Section 13 and authorized by Section 27 Environmental Protection Act [415 ILCS 5/13 and 27].

Reg. 25, p. 190, effective June 21, 1979; amended at 5 III. Reg. 6384, effective May 28, 1981; codified at 6 III. Reg. 7818; amended in R88-1 at 13 SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Ill. Reg. 5984, effective April 18, 1989; amended in R88-21(A) at 14 Ill. effective February 13, 1990; amended in R99-8 at 23 Ill. , effective

Section 301.106 Incorporations by Reference

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a) Abbreviations. The following abbreviated names are used for materials incorporated by reference:

'GPO" means Superintendent of Documents, U.S. Government Printing "ASTM" means American Society for Testing and Materials

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health "NTIS" means National Technical Information Service Association

American Public Health Association et al., 1015 Fifteenth Street, "USEPA" means United States Environmental Protection Agency Board incorporates the following publications by reference: The (q

Water of Standard Methods for the Examination Wastewater, 16th Edition, 1985 N.W., Washington, D.C. 20005

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19013 (215) 299-5400

ASTM Standard E 724-80 "Standard Practice for Conducting Static Acute Toxicity Tests with Larvae of Four Species of Bivalve Molluscs", approved 1980.

ASTM Standard E 729-80 "Standard Practice for Conducting ASTM Standard E 857-81 "Standard Practice for Conducting Static Acute Toxicity Tests with Fishes, Macroinvertebrates, and Amphibians", approved 1980.

E 1023-84 "Standard Guide for Assessing the Hazard of a Material to Aquatic Organisms and Their Uses", Species", Subacute Dietary Toxicity Tests with Avian ASTM Standard approved 1981.

ASTM Standard E 1103-86 "Method for Determining Subchronic Dermal Toxicity", approved 1986. approved 1984.

ASTM Standard E 1147-87 "Standard Test Method for Partition Liquid ρλ Estimation Chromatography", approved February 27, 1987. (n-Octanol/Water) Coefficient

ASTM Standard E 1192-88 "Standard Guide for Conducting Acute Effluents with Macroinvertebrates and Amphibians", approved 1988. Aqueous ű Toxicity Tests

ASTM Standard E 1193-87 "Standard Guide for Conducting Renewal Life-Cycle Toxicity Tests with Daphnia Magna", approved 1987.

ASTM Standard E 1241-88 "Standard Guide for Conducting Early Standard E 1242-88 "Standard Practice for Using Lethal Concentrations for Fish due to Narcosis", approved Life-Stage Toxicity Tests with Fishes", approved 1988. Octanol-Water Parition Coefficients to Estimate

ASTM Standard E 4429-84 "Standard Practice for Conducting Static Acute Toxicity Tests on Wastewaters with Daphnia",

668 ILLINOIS REGISTER 3569 99 99	POLLUTION CONTROL BOARD	NOTICE OF PROPOSED AMENDMENTS	Section 301.311 Method Detection Level	Noyal Method Detection Level is the minimum concentration of an analyte (substance) 1973, that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by the procedure set forth in Appendix B of 40 CFR 136.	for Section 301.312 Minimum Level	Minimum Level or ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure approved in 40 cfr 136, assuming that all the method-specified sample weights, volumes and processing steps have been followed.	(Source: Added at 23 Ill, Reg, effective		Outlier is a test value that is not statistically valid under tests approved in 40 CFR 136.	rts. (Source: Added at 23 Ill. Reg, effective	tive Section 301.341 Pollutant Minimization Program	Pollutant Minimization Program means a plan to achieve or maintain the goal of reducing contaminant discharges to below water quality based effluent limits.	(Source: Added at 23 Ill. Reg, effective	tive Section 301.346 Preliminary Effluent Limitation	Preliminary Effluent Limitation or PEL is an estimate of an allowable discharge taking into consideration mixing or dilution.	(Source: Added at 23 Ill. Reg, effective	
ILLINOIS REGISTER 3568	POLLUTION CONTROL BOARD	NOTICE OF PROPOSED AMENDMENTS		on Service, 5285 Port 87-4600 Editing System, Januaryr ement Systems, Februaryr	Dreng, 700/0 Environmental Protection Agency, Office al Assessment, Washington, D.C. 20460 ad Carcinogenicity Assessment September; 1985, Document Num	c) The Board incorporates the following federal regulations by reference. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (202)783-3238: Procedure 5.b.2 of Appendix F of 40 CFR 132 (1995) 40 CFR 136 (1995+989) 40 CFR 141 (1988)	40 CFR 136 (1988) 40 CFR 136 (1988) d) This Section incorporates no future editions or amendments.	(Source: Amended at 23 Ill. Reg, effective	Section 301,221 Area of Concern	Area of Concern or AOC is an area specially designated for remediation efforts.	(Source: Added at 23 Ill. Reg, effective	als of Concern	Bioaccumulative Chemicals of Concern or BCC means a chemical or class chemicals meeting the definition at 35 Ill. Adm. Code 302.501.	(Source: Added at 23 Ill. Reg, effective	Section 301,301 Lake Michigan Lakewide Management Plan	Lake Michigan Lakewide Management Plan or LaMP is a plan to manage the Illinois portion of Lake Michigan as approved by USEPA.	

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ro	ected	E£1	flue	nt	Quali	tγ	or	PEQ	is	the	amount	of	ಹ	contami	nant	Projected Effluent Quality or PEQ is the amount of a contaminant estimated to	to
e	disch.	arge	pe	ρλ	a £	aci	lit	y	'n	acti	vity	taki	bul	into	accoun	oe discharged by a facility or activity taking into account statistical	cal
inal	analysis of the discharge or activity.	of 1	the	dis	charg	0 0	r a	ctiv	ity								

(Source: Added at 23 Ill. Reg. ____, effective

Section 301.371 Quantification Level

Quantification Level is a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure approved in 40 CFR 136 and calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

(Source: Added at 23 Ill. Reg. effective

Section 301.372 Reasonable Potential Analysis

Reasonable Potential Analysis or Reasonable Potential to Exceed means the procedure to predict whether an existing or future discharge would cause or contribute to a violation of water quality standards, criteria or values.

(Source: Added at 23 Ill. Reg. _____, effective

Section 301.373 Same Body of Water

substances consistent with 35 Ill. Adm. Code 352.425, the Agency will consider intake toxic substance shall be considered to be from the same Same Body of Water means that, for purposes of evaluating intake toxic toxic substances to be from the same body of water if the Agency finds by the permittee and there is a direct hydrological connection between the body of water if the permittee's intake point is located on Lake Michigan and the outfall point is located on a tributary of Lake Michigan. In this situation, the background concentration of the toxic substance in the receiving difference, if any, between the water quality characteristics of the intake and that the intake toxic substance would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed receiving water shall not result in an adverse impact on the receiving water. Notwithstanding the provisions of water shall be similar to or greater than that in the intake water intake and the discharge points. an definition,

(Source: Added at 23 Ill. Reg. , effective

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Section 301.411 Total Maximum Daily Load

Total Maximum Daily Load or TMDL is the sum of the individual wasteload allocations for point sources and load allocations for noppoint sources and natural background, as more fully defined at 40 (ER 130.2(i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water body and still assure attainment and maintenance of water quality standards.

(Source: Added at 23 Ill. Reg. _____, effective

Section 301.421 Wasteload Allocation

Waste Load Allocation or WLA is the portion of receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined at 40 CFR 130.2(h). In the absence of a TMDL approved by USEPA pursuant to 40 CFR 130.7 or an assessment and remediation plan developed and approved in accordance with procedure 3.A of Appendix F of 40 CFR 132, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards.

(Source: Added at 23 Ill. Reg. effective

Section 301.441 Water Quality Based Effluent Limitation

Water Quality Based Effluent Limitation or WQBEL is a limit imposed in a permit so that the applicable water quality standard, criteria or value is not exceeded outside of a designated mixing zone.

(Source: Added at 23 Ill. Reg. , effective

Section 301.442 Wet Weather Point Source

Wet Weather Point Source means any discernible, confined and discrete conveyance from which pollutants are, or may be, discharged as the result of a wet weather event. Discharges from wet weather point sources shall include only: discharges of stormwater from a municipal separate storm sewer as defined at 40 CFR 122.26(b)[14]; discharge associated with industrial activity as defined at 40 CFR 122.26(b)[14]; discharges of stormwater and sanitary wastewaters (domestic, commercial, and industrial) from a combined sewer overflow; or any other stormwater discharge for which a permit is accounted under Section 402(p) of the Clean Water Act. A stormwater discharge associated with industrial activity that is mixed with process wastewater shall not be considered a wet weather point source.

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Section 301.443 Whole Effluent Toxicity

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- 1) Heading of the Part: NPDES Permits
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3) Section Numbers: Proposed Action: 309.141 Amended
- 4) Statutory Authority: 415 ILCS 5/13, 13.3 and 27

2)

- formula relative flowrates of effluent and receiving water, dilution allowance and the background concentration of the parameter. Section 309.141(h)(7) sets provides that the Total Maximum Daily Load (TMDL) or the Waste Load (WLA) will be set through either the Lake Michigan Lakewide Section 309.141(h)(3) sets forth the conversion factors to be used in translating between water quality Section 309.141(h)(4), together with the procedures specified in 35 Ill. Adm. Code 352. Subpart D, provide quality based effluent limits (WQBEL) and, if required, at what level in NPDES monitoring requirements must be included in the NPDES permit based upon a comparison 309.141 by adding implementation procedures under Section 309.141(h). These procedures are intended to be used by the Illinois Environmental Protection Agency (IEPA) when issuing Section 309.141(h)(2) specifies an acceptable additive risk level of one in 100,000 for establishing Tier I criteria and Tier II values for combinations of substances exhibiting carcinogenic or other standards, criteria or values for metals expressed in either the dissolved for calculating PEL giving consideration to the water quality standard, of PEQ and PEL. For a complete history of this rulemaking please see the A Complete Description of the Subjects and Issues Involved: The rule NPDES permits to Lake Michigan Basin Dischargers. Section 309.141(h)(1) Management Plan (LaMP) or the remedial action plan (RAP) for an area of permits. Section 309.141(h)(6) sets forth a simple mass balance guidance to the IEPA in choosing which pollutants require water or certain Board's opinion and order of March 4, 1999 in R99-8. forth the conditions under which a WQBEL Code form or as total amount recoverable. proposes to amend 35 Ill. Adm. nonthreshold toxic mechanism. Allocations concern.
- 6) Will this proposed rule replace an emergency rule currently in effect?
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the

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State Mandates Act [30 ILCS 805/3(b)].

Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R99-8 and be sent to: 11)

Dorothy Gunn

Clerk of the Pollution Control Board 100 West Randolph Street

Suite 11-500

Chicago, Illinois 60601

Questions regarding this proposal may be directed to Marie E. Tipsord at 312-814-4925.

Initial Regulatory Flexibility Analysis: 12)

Types of small businesses, small municipalities and not for profit corporations affected: This will affect dischargers and NPDES permittees in the Lake Michigan Basin. A)

Reporting, bookkeeping, or other procedures required for compliance: B)

None Types of professional skills necessary for compliance: ĵ Regulatory Agenda on which this rulemaking was summarized: January 1999 13)

The full text of the Proposed Amendment begins on the next page

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SUBTITLE C; WATER POLLUTION CHAPTER I: POLLUTION CONTROL BOARD TITLE 35: ENVIRONMENTAL PROTECTION

PART 309 PERMITS

SUBPART A: NPDES PERMITS

Preamble

309.101 Section

309.101 Firemit Required	Application -	309.104 Renewal	309.105 Authority to Deny NPDES Permits	309.106 Access to Facilities and Further Information	309.107 Distribution of Applications	309.108 Tentative Determination and Draft Permit	309.109 Public Notice	309.110 Contents of Public Notice of Application	309.111 Combined Notices	309.112 Agency Action After Comment Period	309.113 Fact Sheets	309.114 Notice to Other Governmental Agencies	309.115 Public Hearings on NPDES Permit Applications	309.116 Notice of Agency Hearing	309.117 Agency Hearing	309,118 Agency Hearing File	309.119 Agency Action After Hearing	309.141 Terms and Conditions of NPDES Permits	309.142 Water Quality Standards and Waste Load Allocation	309.143 Bffluent Limitations	309.144 Federal New Source Standards of Performance	309.145 Duration of Permits	309.146 Authority to Establish Recording, Reporting, Monitoring and Sampling	Requirements	309.147 Authority to Apply Entry and Inspection Requirements	309.148 Schedules of Compliance	309.149 Authority to Require Notice of Introduction of Pollutants into	Publicly Owned Treatment Works	309.150 Authority to Ensure Compliance by Industrial Users with Sections	204(b), .307 and 308 of the Clean Water Act	309.151 Maintenance and Equipment	309.152 Toxic Pollutants	309.153 Deep Well Disposal of Pollutants (Repealed)	309.154 Authorization to Construct	309.155 Sewage Sludge Disposal	309.156 Total Dissolved Solids Reporting and Monitoring	
309	309	309.	309.	309	309,	309.	309	309.	309	309.	309.	309,	309	309	309.	309	309	309	309.	309.	309.	309.	309.		309.	309.	309.		309.		309.	309	309.	309	309	309.	

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309.181	Appeal of Final Agency Action on a Permit Application
309.182	Authority to Modify, Suspend or Revoke Permits
309.183	Revision of Schedule of Compliance
309.184	Permit Modification Pursuant to Variance
309.185	Public Access to Information
101 005	Effective Date

SUBPART B: OTHER PERMITS

Section

Preamble	Construction Permits	Operating Permits; New or Modified Sources	Operating Permits; Existing Sources	Joint Construction and Operating Permits	Experimental Permits	Former Permits (Repealed)	Permits for Sites Receiving Sludge for Land Applicati	Applications Contents	Applications Signatures and Authorizations	Applications Registered or Certified Mail	Applications Time to Apply	Applications Filing and Final Action By Agency	Standards for Issuance	Duration of Permits Issued Under Subpart B	0.00
309.201	309.202	309.203	309.204	309.205	309,206	309.207	309.208	309.221	309.222	309,223	309.224	309,225	309.241	309.242	200 243

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Design, Operation and Maintenance Criteria Appeals from Conditions in Permits Permit No Defense Conditions 309.263 309.244 309.261 309.262

References to Previous Rules APPENDIX A

Approval of Federal Permits Modification of Permits

> 309.265 309.266

309.264

Effective Date Severability

309.281 309.282

Procedures

Permit Revocation

of AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB III. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 III. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg.

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R91-5 at 16 Ill. Reg. 7339, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5526, effective April 1, 1996; amended in R99-8 at 23 Ill. Reg. 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990; amended in 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495, effective January 13, 7818; amended in R82-5, 10, at 54 PCB 411, at , effective

superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as clearly indicates otherwise, context unless the Part, used in mathematics. this цï

SUBPART A: NPDES PERMITS

Section 309.141 Terms and Conditions of NPDES Permits

Agency shall apply and ensure compliance with all of the following, whenever In establishing the terms and conditions of each issued NPDES Permit, the applicable:

- Effluent limitations under Sections Section 301 and 302 of the CWA; a)
- Standards of performance for new sources under Section 306 of the CWA, Effluent Standards, effluent prohibitions, and pretreatment standards under Section 307 of the CWA; (q G
 - g
- or schedules of compliance, established pursuant to any Illinois statute or regulation (under authority preserved by Section 510 Any more stringent limitation, including those: 1) necessary to meet water quality standards, treatment standards, of the CWA),
 - necessary to meet any other federal law or regulation, or 3)
- Section 303(d) of the CWA and incorporated in the required to implement any applicable water quality standards; such limitations to include any legally applicable requirements maximum daily loads established continuing planning process approved under Section 303(e) of the CWA and any regulations or guidelines issued pursuant thereto; necessary to implement total pursuant to
 - Any more stringent legally applicable requirements necessary to comply with a plan approved pursuant to Section 208(b) of the CWA; e
- pursuant to sections 301, 302, 306 and 307 of the CWA, such conditions to promulgation by the Administrator of the U.S. Environmental Protection Agency of applicable effluent standards and limitations as the Agency determines are necessary to carry out the provisions of the CWA (±); and Prior E)
- If the NPDES Permit is for the discharge of pollutants into navigable waters from a vessel or other floating craft (except that no NPDES Permit shall be issued for the discharge of pollutants from a vessel or other floating craft into Lake Michigan) any applicable regulations promulgated by the Secretary of the Department in which the Coast 6

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Guard is operating, establishing specifications for safe transportation, handling, carriage, storage and stowage of pollutants, and-

h) If the NPDES Permit is for the discharge of pollutants from other than wet weather point sources into the Lake Michigan Basin as defined at 35 Ill. Adm. Code 303,443:

Allocation process, those limits shall be identified as interim Any new limits through exercise of the reopener clause shall be eligible for delayed compliance dates and compliance schedules consistent with Section 39(b) of the Act [415 ILCS 5/39(b)], 35 Total Maximum Daily Loads (TMDLs) and Waste Load Allocation (WLA) will be established through either the LaMP or a RAP for an Area of Concern. If a LaMP or RAP has not been completed and adopted, effluent limits shall be established consistent with the other Detection/Level of Quantification and Compliance Schedules. When calculation of TMDLs or a Waste Load Allocation is incomplete and provisions be superseded upon completion of the TMDL or Waste Load and the permit shall include a reopener clause triggered by limited Intake Pollutants, Loading Limits, Level 111. Adm. Code 309.148, and 35 111. Adm. Code 352.Subpart H. other provisions of this Section, including, but not is expected that limits established through completion of a TMDL or WLA determination. brought about Additivity, will

2) 35 III. Adm. Code 302.590 establishes an acceptable additive risk level of one in 100,000 (10(-5)) for establishing Tier I criteria and Tier II values for combinations of substances exhibiting a carcinogenic or other nonthreshold toxic mechanism. For those discharges containing multiple nonthreshold substances application of this additive standard shall be consistent with this subsection.

More 2,3,7,8-substituted chlorinated dibenzo-p-dioxins or 2,3,7,8-substituted chlorinated dibenzo-p-dioxins or 2,3,7,8-substituted dibenzofurans, the tetrachloro dibenzo-p-dioxin 2,3,7,8-(TCDD) toxicity equivalence concentration (TEC[TCDD]) shall be determined as outlined in subsection (h)(2)(B).

B) The values listed in the following table shall be used to determine the 2,3,7,8-TCDD toxicity equivalence concentrations using the following equation:

(TEC)[TCDD] = Sigma(C)[x] (TEF)[x] (BEF)[x]

WHERE:

(TEC)[TCDD] = 2,3,7,8-TCDD toxicity equivalence concentration in effluent (C)[x] = Concentration of total chemical x in effluent (TEE)[x] = TCDD toxicity equivalency factor for x

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(BEF)[x] = TCDD bloaccumulation equivalency factor for x

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BEF	1.0 0.3 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
TEF	1.0 0.1 0.1 0.0 0.0 0.0 0.1 0.1 0.1 0.1
Congener	2,3,7,8-TCDD 1,2,3,7,8-TCDD 1,2,3,4,7,8-HxCDD 1,2,3,6,7,8-HxCDD 1,2,3,7,8-HxCDD 1,2,3,4,6,7,8-HpCDD 0CDD 2,3,7,8-TCDE 1,2,3,7,8-PCDE 2,3,4,7,8-PCDE 1,2,3,4,7,8-PCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE 1,2,3,4,6,7,8-HxCDE

C) Any combination of carcinogenic or otherwise nonthreshold toxic substances shall be assessed on a case by case basis. The Agency shall only consider such additivity for chemicals that exhibit the same type of effect and the same mechanism of toxicity, based on available scientific information that supports a reasonable assumption of additive effects.

3) Conversion factors for determining the dissolved concentration of metals from the total recoverable concentration.

standard. However, most discharge monitoring data used in deriving a PEQ will be from a total recoverable analytical method and permit limits if and when established will be set at total recoverable to accommodate the total recoverable recoverable metal presumed to be in dissolved form. The . Code 302.504 are established as dissolved forms of the substance since the dissolved form more closely relates to the toxicology literature utilized in deriving the analytical method. The Agency will use a conversion factor dissolved metal for each metal with a water quality standard set at dissolved concentration. In the absence of facility specific data the following default conversion factors will be used for both PEQ derivation and establishing WQBELs. The conversion factor represents the portion of the total The numeric standards for certain metal parameters in to determine the amount of total metal corresponding Adm. A)

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divided by the conversion factor to obtain a corresponding total metal value that will generally be the metal form compared to the acute or dissolved by the appropriate total recoverable metal concentration may table corresponding following chronic standard. A dissolved metal then may be conversion values given in the obtain regulated in NPDES permits. that 40 concentration concentration multiplied

Metal Arsenic	Conversion Factor Acute Standard	Chronic Standard
Chromium (Trivalent)	0.316	0.860
Chromium (Hexavalent)	0.982	0.962
Copper	0.960	0.960
Nickel Selenium	0.998	0.997
Zinc	0.978	0.986

in the receiving water body at the permittee may propose an alternate conversion factor for contain sufficient site specific data, or other data that is representative of the site, to identify a representative ratio of the dissolved fraction to the total recoverable conversion derivation and establishment of a WQBEL in lieu of its any particular site specific application. The request must is approved, that factor will be used If a site specific default counterpart in subsection (h)(3)(A). the metal edge of the mixing zone. fraction of factor a a

Reasonable potential to exceed. 4

The first step in determining if a reasonable potential to parameter is the estimation of the maximum estimation will be completed for both acute and chronic exposure periods and is termed the PEQ. The PEQ shall be from representative facility specific data to percentile value. These data will be presumed to adhere to a lognormal distribution pattern unless the actual effluent data demonstrates a different distribution pattern. If exceed the water quality standard exists for any particular expected effluent concentration for that substance. level for confidence 95 percent pollutant derived a

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its quality assured consistent with 35 Ill. Adm. Code percentile value through a multiplier from the following table applied to the maximum value in the data set that has The PEQ is derived as the upper available, a coefficient of variation that is the ratio of the standard deviation to the arithmetic average shall in excess of 10 data values 352.410 as appropriate for acute and chronic data sets. bound of a 95 percent confidence bracket around the Agency. facility specific data by calculated

PEQ = (maximum data point)(statistical multiplier)

	1,2æ1,3		22.3æ26.4	9.7æ10.9	6.5æ7.2					3.0æ3.2	6	~!	.0		m!	ov!		1.9æ2.0	6.1	œ.	ml	7	e#i	o₁!			1.0æ1.0
	1.1		18.7	8.5	5.8	.0æ5.5	4.2æ4.5	3.783.9	.3æ3.5	2.8	2.8æ2.9	2.6æ2.7	2,422.	2.3æ2.4	2.2æ2.3	2.1æ2.2	2.0æ2.1	1.9	1.9æ1.9	1.821.	1.8æ1.	1.7æ1.	1.4æ1.	1.2æ1.	1.121.		1.0
	1.0		15.5	7.4	5.2	4.6	3.9	3.4	3.1	2.6	2.6	2.4	2,3	2.2			1.9	1.8		1.7	1.7	1.6	1.3	1.2	1.1		1.0
ation	6.0		12.6	6.4	4.6	4.2		3.1	2.8	2.4	2.4	2.3	2.2	2.1	2.0	1.9	1.8	1.7	1.7	1.7	1.6	1.6	1.3	1.2	1.1		1.0
of Vari	0.8		10.1	5.4	4.0	3.7	3.2	2.9	2.6	2.3	2.3	2.2	2.1	2.0	1.9	1.8	1.8	1.6	1.7	1.6	1.6	1.5	1.3	1.2	1:1		0
Coefficient of Variation	0.6 0.7		6.2 8.0	3.8 4.6	3.0 3.5	3,3	2.9		2.4	1.9 2.1	2.1	2.0	1.9	1.9	1.8	1.7	1.7	1.5 1.6	5 1.6	1.6	1.5	1.5	1.3	1.1	1:1		1.0 1.0 1.0 1.0 1.0 1.0
Coeff	0.5		4.7	3.1	2.5	2.9	2.6	2.4	2.2	1.7	1.8 2.0	7 1.9	7 1.8	6 1.7	6 1.7	5 1.6	5 1.6	1.4	1.4	4 1.5	4 1.5	4 1.4	2 1.2	1 1.1	0 1.0		1.0
	0.4		3.6	2.5	2.1	2.6	2.3	2.1	7	H	7	1.	1 9	5 1.6	2	1	1.5	1.3	1.4	3	11.	1.	2 1.		0 1.0		1.0
	0.3		5.6	2.0	1:8	2.2	2.1	1.9	1.8	1.4	5	1.1	귀	1	귀	귀	-1	1.2	3	1	-1	ᆌ	1		1.0		1.0
	0.2		1.9	1.6	1.5	1.9	1.8	1.7	1.6	1.3	4	1	1.4	1.4	1.4	1.4	1.3	1.1	2		1.3	1:3	긔	1.1	4		1.0
	0.1		1.4	1.3	1.2	1.7	1.6	1.5	1.4	1.1	1.2 1.	2 1.3	$\frac{2}{1.3}$	2 1.3	2 1.3	2 1.3	2 1.2	1.1	1.1	1.2	1.2	1.2	1,1	0 1.1	0.1.0		1.0
	No.	Samples	-1	2	m	41.21.4	51.21.4	61.11.3	71.11.3	co	91.1	101.11.	111.11.	121.11.	131.11.	141.11.	151.11.2	16	171.1	181.11.	191.11.	201.11.	301.01.	401.01.	501.01.0	60 or	greater 1.0

If the PEQ is less than or equal to the water quality is no reasonable potential and no limit will be established in the permit. there standard, 1

the Agency will proceed to consideration of dilution If the PEQ is more than the water quality and mixing pursuant to subsection (h)(5). 11)

If facility-specific data of 10 or less data values

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variation of 0.6, applied to the maximum value in the data shall be derived using the table in subsection (h)(4)(A) assuming a coefficient set that has its quality assured consistent with an alternative PEO Adm. Code 352.410.

If the PEQ is less than or equal to the water quality and reasonable potential limit will be established in the permit. ou standard, there is

If the PEQ exceeds the water quality standard, an alternative PEQ will be calculated using the maximum value in the data set and a multiplier of 1.4. If the alternative PEQ also exceeds the water quality standard, the Agency will proceed to consider dilution and mixing pursuant to subsection (h)(5). ii)

the effect, if any, deferral of a final decision would alternative PEQ is less than or equal to the standard, the Agency will either proceed to consider dilution to reassess the potential to exceed within a determining which of these options to use in any individual application, the Agency shall consider the operational and economic impacts on the permittee and have on an ultimate compliance schedule if a permit or will limit were subsequently determined to be necessary. If the PEQ exceeds the water quality standard but specified time schedule, not to exceed one year. and and mixing pursuant to subsection (h)(5), monitoring requirement incorporate a iii)

Agency shall compare monthly average effluent data values, when available, with chronic aquatic life, human The Agency shall use daily effluent exists the need exceed acute aquatic life water quality standards. data values to determine whether a potential health and wildlife standards to evaluate monthly average WQBELs. o

reasonable potential analysis as provided for in Procedure Agency may apply other scientifically defensible 5.b.2 of Appendix F to 40 CFR 132, incorporated by reference statistical methods for calculating PEQ for use in at 35 Ill. Adm. Code 301.106. The a

Regardless of the statistical procedure used, if the PEQ for the parameter is less than or equal to the water quality standard for that parameter, the Agency shall deem the based effluent limit (WQBEL) shall not discharge not to have a reasonable potential to exceed, required unless otherwise required under 35 Ill. quality a water 352.430. Œ

the PEQ for a parameter is greater than the particular water Agency will assess the level of treatment being provided by the quality standard, criteria or value for that parameter, 2

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providing) a level of treatment consistent with the best degree appropriate mixing zone or a default mixing zone to the preliminary effluent limitation (PEL) determined by applying of treatment required by 35 Ill. Adm. Code 304.102(a), the Mixing opportunity and dilution credit will If the discharger is providing (h)(4) shall be subsection considered as follows: under

or chronic exposures, and the PEL will be set equivalent to Discharges to tributaries of the Lake Michigan Basin shall be considered to have no available dilution for either acute the water quality standard unless dilution is documented through a mixing zone study.

criteria or values and 10:1 for chronic standards, criteria If the discharger applies for more than Direct discharges to the Open Waters of Lake Michigan shall have a default mixing allowance of 2:1 for acute standards, effluent readily and rapidly mixes with the receiving If ready and rapid mixing is in doubt the Agency shall deny any default dilution or mixing allowance and require a mixing or dispersion study to determine the proper the default dilution or mixing allowance, it must submit a to determine dilution or mixing allowance in lieu of the or values if the discharge configuration indicates that a mixing or dispersion study is available, it shall be mixing or dispersion study to justify its request. dilution allowance. default allowance. waters. B

.minary effluent limitations calculations. Preli (9

The preliminary effluent limitation (PEL) is calculated in a dilution reflecting allowance established in subsection (h)(5): simple mass balance approach A

WQS = [(Qe)(PEL) + (Qd)(Cd)] / [Qe + Qd]PEL = [WQS(Qe + Qd) - (Qd)(Cd)] / Qe

o

WHERE:

WQS = applicable water quality standard, criteria or value

= effluent flowrate e O = allowable dilution flowrate PO

Cd = background pollutant concentration in dilution water

- The representative background concentration of pollutants to develop TMDLs and WLAs calculated in the absence of a TMDL be established as follows: shall B
 - loadings, specifically loadings that flow from upstream waters pollutant a11 "Background" represents

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watershed, water body, or water body segment through atmospheric deposition, chemical reaction, or sediment body segment for which a TMDL or WLA in the absence of is being developed and enter the specified into the specified watershed, water body, or

When determining what available data are acceptable release or resuspension. ii)

- The representative machanismed, water body, or pollutant in the specified watershed, water body, or all of the acceptable data in a data set are below the information may be considered when using pollutant water column concentrations estimated through the use of acceptable or projected pollutant loading data. When determining the geometric mean of the data for a pollutant that includes values both above and below values less than the detection level is less than detection level for a pollutant, then all the data for the pollutant in that data set shall be assumed to be for use in calculating background, the Agency shall judgment, including reliability of the data through comparison, in part, the data sets or categories described that most background concentrations. Pollutant degradation and transport loading data to estimate a water column concentration. geometric mean of acceptable water column data or in subsection (h)(6)(B)(iii) exists, best professional representative background concentration for to detection and quantification levels. When data the lowest water quality value for that pollutant. 1/2 of and judgment shall be used to select the data consideration of the sampling location estimates at level shall be assumed to be present detection level if the detection its best professional body segment shall or reflects detection level, of than accurately water more nse the iii)
- zero. If the detection level of the available data is greater than the lowest water quality value for the determined by the Agency on a case-by-case basis after including pollutant, then the background concentration will data, representative acceptable fish tissue data. considering all
 - quality based effluent limitations. Water 7
- will not be set unless otherwise justified under one or more the PEQ is less than or equal to the PEL, it will be to exceed. Under such circumstances a permit limit for that contaminant concluded that there is no reasonable potential provisions of 35 Ill. Adm. Code 352.430. A)
- If the PEQ is equal to or greater than the PEL, and the PEQ was calculated using a data set of more than 10 values, a (A)

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limitation (WQBEL) will be included in the permit. If the PEQ was calculated using data set of less than or equal to 10 values, and alternative PEQ calculated under subsection (h)(4)(B) exceeds the PEL, a WQBEL will be included in the permit. based effluent

- the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have equal to 10 values, and the PEQ is greater than the PEL but the alternative PEQ is less than the PEL, the Agency will monitoring requirement and reopener clause to reassess use in any individual application, the Agency shall consider on an ultimate compliance schedule if a permit limit were PEQ was calculated using a data set of less than or either establish a WQBEL in the permit or incorporate potential to exceed within a specified time schedule, not In determining which of these options subsequently determined to be necessary. exceed one year. 의
- The WQBEL will be set at the PEL, unless the PEL is pollutants when the discharged water originates in the same water body to which it is being discharged. Consideration of intake credit will be limited to the provisions of 35 Ill. credit appropriately modified to reflect 리
- limit will be expressed as a monthly expressed as monthly averages. If circumstances warrant, The reasonable potential analysis shall be completed the Agency shall consider alternatives to daily and monthly the limit will based based WQBELs will separately for acute and chronic aquatic life effects. expressed as a daily maximum. When the WOBEL WQBELs are based on acute impacts, Human health and wildlife chronic effects, the Adm. Code 352.425. average. limits. (E)

(1)Section--309:141(£)--was-dectared-invalid-in-Peabody-Coal-Co-v--PCBy-3 Ill:-App:-3d-5-{5th-Bistrict7-1976}-and-declared-valid-in--U-Steel v--Peb,-52-Ill--App--3d-1-(2d-Bistrict,-1977)-

effective Reg. 111. 23 a t Source: Amended

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General Water Quality Provisions Heading of the Part:

1

35 Ill. Adm. Code 302 Code Citation: 2)

Proposed Action:	Amended													
Section Numbers:	302.101	302.501	302.502	302.503	302.507	302.521	302.535	302.540	302.545	302.555	302.560	302.563	302.565	302.580

- 415 ILCS 5/5, 13, and 27. Statutory Authority: 4)
- Initiative. At this time, the Board is amending 35 Ill. Adm. Code 301 and correct nonsubstantive errors in the text of this rule which 309 to implement additional procedures for the federal Great Lakes Initiative and the Board included these nonsubstantive corrections in that rulemaking. For a complete history of this rulemaking please see was adopted as a part of the implementation of the federal Great A Complete Description of the Subjects and Issues Involved: Board's opinion and order of March 4, 1999 in R99-8. 2)
- Will this proposed rule replace an emergency rule currently in effect? (9
- Does this rulemaking contain an automatic repeal date? 7
- Does this proposed amendment contain incorporations by reference? 8)
- Are there any other proposed amendments pending on this Part? 6
- of Statewide Policy Objectives: This proposed amendment of not create or enlarge a State mandate as defined in Section 3(b) State Mandates Act [30 ILCS 805/3(b)]. 10)
- Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R99-8 and be sent to: 11)

Dorothy Gunn

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NOTICE OF PROPOSED AMENDMENTS

Clerk of the Pollution Control Board 100 West Randolph Street Chicago, Illinois 60601 Suite 11-500

Questions regarding this proposal may be directed to Marie E. Tipsord at 312-814-4925

- Initial Regulatory Flexibility Analysis: 12)
- This will affect dischargers and Types of small businesses, small municipalities and not for permittees in the Lake Michigan Basin. affected: corporations (A
- compliance: Reporting, bookkeeping, or other procedures required for B
- None Types of professional skills necessary for compliance: C)
- January 1999 13) Regulatory Agenda on which this rulemaking was summarized:

The full text of the Proposed Amendments begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

CHAPTER I: POLLUTION CONTROL BOARD ENVIRONMENTAL PROTECTION SUBTITLE C: WATER POLLUTION TITLE 35:

WATER QUALITY STANDARDS PART 302

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Allowed Mixing, Mixing Zones and ZIDs Scope and Applicability Main River Temperatures Nondegradation Stream Flows Definitions 302,103 302,104 302,105 302,100 Section 302,101 302,102

GENERAL USE WATER QUALITY STANDARDS SUBPART B:

Numeric Standards for Chemical Constituents Scope and Applicability Other Toxic Substances Offensive Conditions Dissolved Oxygen Fecal Coliform Radioactivity Temperature Phosphorus Purpose 302.210 302.211 302.212 Section 302.201 302.202 302.203 302,206 302.208 302.209 302.204 302.205 302,207

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Ammonia Nitrogen and Un-ionized Ammonia

Effluent Modified Waters (Ammonia)

302.213

Finished Water Standards Scope and Applicability Chemical Constituents Other Contaminants Algicide Permits Fecal Coliform Section 302.301 302,302 302,303 302.304 302,305 302.306 SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS SUBPART D:

Scope and Applicability 302.401 Section

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Substances Toxic to Aquatic Life Fecal Coliform (Repealed) Chemical Constituents Unnatural Sludge Dissolved Oxygen Temperature Cyanide 302.406 302.407 302,403 302.404 302,405 302.408 302.409 302.410

LAKE MICHIGAN BASIN WATER QUALITY STANDARDS SUBPART E:

Scope, Applicability, and Definitions Chemical Constituents Dissolved Oxygen Fecal Coliform 302,505 302,506 302,501 302.502 302.503 302.504

Thermal Standards for Existing Sources on January 1, 1971 Thermal Standards for Sources Under Construction But Not in Operation on January 1, 1971 302.507 302.508

Incorporations by Reference Offensive Conditions Other Sources 302,509 302,510 302,515

Mixing Provisions for Bioaccumulative Chemicals of of Bioaccumulative Chemicals of Concern Supplemental Antidegradation Provisions for BCCs Regulation and Designation Concern (BCCs) Radioactivity Supplemental 302.520 302,525 302,530 302.521

Criteria Toxicity Aquatic Determining the Lake Michigan Values - General Procedures Other Toxic Substances Analytical Testing Data Requirements Ammonia Nitrogen 302.545 302.550 302,535 302.540 302,553

OL

Determining the Tier I Lake Michigan Basin Acute Aquatic bife Determining the Tier II Lake Michigan Basin Acute Aquatic Life Basin Acute Aquatic Toxicity Criterion (LMAATC): Independent of Water Chemistry Toxicity Criterion (LMAATC): Dependent on Water Chemistry Determining the Tier I Lake Michigan Toxicity Value (LMAATV) 302,555 302.560 302,563

Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV) 302,565 302.570

Procedures for Deriving Bioaccumulation Factors for the Lake Michigan

NOTICE OF PROPOSED AMENDMENTS

302,575	Procedures for	302.575 Procedures for Deriving Tier I Water Quality Criteria in the Lake
	Michigan Basin	Michigan Basin to Protect Wildlife
302.580	Procedures for	Procedures for Deriving Water Quality Criteria and Values in the Lake
	Michigan Basin	Michigan Basin to Protect Human Health - General

Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Procedures for Determining the Lake Michigan Threshold Value (LMHHTV) 302,585

the Lake Michigan Basin Human Michigan Basin Human Procedures for Determining the Lake Nonthreshold Criterion (LMHHNC) or Health Nonthreshold Value (LMHHNV) 302,590

Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and 302,595

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

	ility	
	Applicability	
	and	
	Scope	
Section	302.601	

302.603 302,604

Mathematical Abbreviations

Determining the Acute Aquatic Toxicity Criterion for an Individual Data Requirements 302.606 302,612

Criterion - Toxicity Toxicity Aquatic Substance - General Procedures Independent of Water Chemistry Acute the Determining 302,615

Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent 302,618

Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances on Water Chemistry 302,621

Determining the Chronic Aquatic Toxicity Criterion - Procedure for Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures 302.630 302.627

The Wild and Domestic Animal Protection Criterion Combination of Substances 302,633

Determining the Acceptable Daily Intake The Human Threshold Criterion 302.645 302.642

Determining the Human Threshold Criterion The Human Nonthreshold Criterion 302.648 302,651

Determining the Human Nonthreshold Criterion Determining the Risk Associated Intake 302.657 302,654

Stream Flow for Application of Human Nonthreshold Criterion 302.658

Bioconcentration Factor 302,660

Determination of Bioconcentration Factor 302.663 302,666

Listing of Derived Criteria

References to Previous Rules Sources of Codified Sections A B APPENDIX

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of AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended in 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, R94-1(B) at 20 Ill. Reg. 370, effective December 23, 1996; expedited correction at 20 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 21 Ill. effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, Reg. 1356, effective December 24, 1997; amended in R99-8 at 23 , effective

superscript number or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in this Part, unless the context clearly indicates otherwise, mathematics. BOARB--NOTE:--This-Part-implements-the-Environmental-Protection-Act;-as-of-duly 17-1994-

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section 302.101 Scope and Applicability

- applicable throughout the State as designated in 35 Ill. Adm. Code 303. Site specific water quality standards are found with the water This Part contains schedules of water quality standards which use designations in 35 Ill. Adm. Code 303. a)
- Subpart B contains general use water quality standards which must be met in waters of the State for which there is no specific designation (35 Ill. Adm. Code 303.201). Q Q
- processing water supply designated waters at the point at which water is drawn for treatment B and must be met by all and distribution as a potable supply or for food processing (35 Ill. These are cumulative with Subpart C contains the public and food Adm. Code 303.202). standards. ô
- These standards must be met only by certain waters Subpart D contains the secondary contact and indigenous aquatic designated in 35 Ill. Adm. Code 303.204 and 303.441. q
 - Subpart E contains the Lake Michigan Basin water quality standards. ()

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Lake Michigan Basin as be met in the waters of the designated in 35 Ill. Adm. Code 303,443.

- Subpart F contains the procedures for determining each of the criteria designated in Section 302.210. £
- Unless the contrary is clearly indicated, all references to "Parts" or "Sections" are to III. Adm. Code, Title 35: Environmental Protection. For example, "Part 309" is 35 III. Adm. Code 309, and "Section 309,101" is 35 Ill, Adm. Code 309,101. (b

effectiv	
Reg.	
111.	
23	-
a	
Amended	
source:	

LAKE MICHIGAN BASIN WATER QUALITY STANDARDS SUBPART E:

Section 302.501 Scope, Applicability, and Definitions

- These must be met in the waters of the Lake Michigan Basin as Subpart E contains the Lake Michigan Basin water quality standards. а Э
- In addition to the definitions provided at 35 Ill. Adm. Code 301.200 through 301.444, and in place of conflicting definitions at Section 302.100, the following terms have the meanings specified for the Lake designated in 35 Ill. Adm. Code 303.443. Michigan Basin: (q

maximum daily dose of a substance that is not expected to result "Acceptable daily exposure" or "ADE" means an estimate of the in adverse noncancer effects to the general human population, including sensitive subgroups.

derivation, means acceptable subchronic and chronic endpoints organismal viability or growth, or any other endpoint that which influence "Acceptable endpoints", for the purpose of wildlife developmental related to, parameters that or that which affect reproductive is, or is directly population dynamics. "Acute to chronic ratio" or "ACR" is the standard measure of the acute toxicity of a material divided by an appropriate measure of the chronic toxicity of the same material under conditions. "Acute toxicity" means adverse effects that result from an exposure period that which is a small portion of the life span of the organism. "Adverse effect" means any deleterious effect to organisms due to exposure to a substance. This includes effects \underline{that} which are or exposure to a substance. This includes effects that which are or may become debilitating, harmful or toxic to the normal functions

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organism, but does not include non-harmful effects such as tissue discoloration alone or the induction of enzymes involved in the metabolism of the substance.

on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical "Baseline BAF" for organic chemicals, means a BAF that is based within the organism; for inorganic chemicals, a BAF is based on the wet weight of the tissue.

on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism; for inorganic chemicals, a BCF is based on "Baseline BCF" for organic chemicals, means a BCF that is based the wet weight of the tissue.

considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation, in accordance with the that has the potential to cause adverse effects and that, upon toxic greater than 1,000, after methodology in Section 302.570. In addition, the half life of the chemical in the water column, sediment or biota must be greater than eight weeks. BCCs include, but are not limited to, of concern" or "BCC" is any chemical the surface waters, by itself or as its transformation product, accumulates in aquatic organisms human health bioaccumulation factor "Bioaccumulative chemical the following substances:

4,4'-DDD; p,p'-DDD; 4,4'-TDE; p,p'-TDE 4,4'-DDE; p,p'-DDE Chlordane

4,4'-DDT; p,p'-DDT

Dieldrin

Hexachlorobutadiene; Hexachloro-1,3-butadiene Hexachlorobenzene

alpha-Hexachlorocyclohexane; alpha-BHC Hexachlorocyclohexanes; BHCs

beta-Hexachlorocyclohexane; beta-BHC

Lindane; gamma-Hexachlorocyclohexane; gamma-BHC delta-Hexachlorocyclohexane; delta-BHC

Mercury

Octachlorostyrene

PCBs; polychlorinated biphenyls

Pentachlorobenzene

Photomirex

2,3,7,8-TCDD; Dioxin

1,2,3,4-Tetrachlorobenzene

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1,2,4,5-Tetrachlorobenzene Toxaphene

"Bioaccumulation" is the net accumulation of a substance by an organism as a result of uptake from all environmental sources.

its concentration in the ambient water, in situations where both substance's concentration in the tissue of an aquatic organism to the organism and its food are exposed and the ratio does not "Bioaccumulation factor" or "BAF" is the ratio (in L/kg) change substantially over time.

"Bioconcentration" means the net accumulation of a substance by an aquatic organism as a result of uptake directly from the other external body ambient water through gill membranes or "Bioconcentration Factor" or "BCF" is the ratio (in L/kg) of a its concentration in the ambient water, in situations where the organism is exposed through the water only and the ratio does not substance's concentration in the tissue of an aquatic organism to change substantially over time.

of organic carbon/kg of lipid) of a substance's "Biota-sediment accumulation factor" or "BSAF" means the ratio surface sediment, in situations where the ratio does not change substantially over time, both the organism and its food are exposed, and the surface sediment is representative of average organism to its organic carbon-normalized concentration lipid-normalized concentration in the tissue of surface sediment in the vicinity of the organism.

The classification of carcinogens is determined by the procedures in Section II.A of $\underline{\rm Appendix}$ appendix C to 40 CFR 132 (1996) "Carcinogen" means a substance that which causes an increased decreases the time to develop neoplasms, in animals or humans. incidence of benign or malignant neoplasms, or substantially incorporated by reference in Section 302.510.

exposure over several generations, or at least over a significant "Chronic effect" means an adverse effect that is measured by assessing an acceptable endpoint, and results from continual part of the test species' projected life span or life stage.

exposure period that which is a large portion of the life span of "Chronic toxicity" means adverse effects that result the organism.

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carbon" or "DOC" means organic carbon that which passes through a 1 um pore size filter. 'Dissolved organic

will that metal 'Dissolved metal" means the concentration of a bass through a 0.45 um pore size filter. "Food chain" means the energy stored by plants is passed along through the ecosystem through trophic levels in a series of steps of eating and being eaten, also known as a food web.

to to "Food chain multiplier" or "FCM" means the ratio of a BAF appropriate BCF.

cancer risk assessment. This model fits linear dose-response curves to low doses. It is consistent with a no-threshold model "Linearized multi-stage model" means a mathematical model for of carcinogenesis.

results in an observed adverse effect in exposed test organisms when all higher doses or concentrations result in the same or concentration of a substance that which "Lowest observed adverse effect level" or "LOAEL" means tested dose or nore severe effects. 'No observed adverse effect level" or "NOAEL" means the highest dose or concentration of a substance that results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect. tested

concentration in the aqueous phase in an equilibrated two-phase octanol water system. For log ${\rm Kow}$, the log of the octanol water "Octanol water partition coefficient" or "Kow" is the ratio of the concentration of a substance in the n-octanol phase partition coefficient is a base 10 logarithm. "Open Waters of Lake Michigan" means all of the waters within Lake Michigan in Illinois jurisdiction lakeward from a line drawn to Lake Michigan, but not including waters enclosed by constructed breakwaters. across the mouth of tributaries

"Particulate organic carbon" or "POC" means organic carbon that which is retained by a 1 um pore size filter. 'Relative source contribution" or "RSC" means the percent of total exposure that can be attributed to surface water through water intake and fish consumption.

"Resident or indigenous species" means species that

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that which are native currently live a substantial portion of their life cycle, or species whose historical range includes a given body of water. reproduce, in a given body of water, or

plausible upper bound incremental cancer risk equal to one in dose of a known presumed carcinogenic substance in mg/kg/day which, over is estimated to be associated with "RAD" means a or "Risk associated dose" lifetime of exposure,

development calculated through use of a linearized multistage model or other appropriate model. It is expressed in mg/kg/dayof cancer "Slope factor" or "q[1]*" is the incremental rate of exposure to the chemical in question.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health

λq exposure for a period of time less than that deemed necessary for an acceptable endpoint, resulting from continual measured "Subchronic effect" means an adverse effect, a chronic test.

"Target species" is a species to be protected by the criterion.

"Target species value" is the criterion value for the target

a species that has test data available to "Test species" is derive a criterion.

"Test dose" or "TD" is a LOAEL or NOAEL for the test species.

"Tier I criteria" are numeric values derived by use of the Tier I methodologies that either have been adopted as numeric criteria into a water quality standard or are used to implement narrative water quality criteria. "Tier II values" are numeric values derived by use of the Tier II They are applied as criteria, have the same effect, methodologies that are used to implement narrative water and are subject to the same appeal rights as criteria. "Trophic level" means a functional classification of taxa within aquatic green plants and herbivores comprise the first and second trophic levels in a food chain. a community that is based on feeding relationships. For example,

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concentration that causes 50 percent of the test organisms to die "Toxic unit acute" or "TU[a]" is the reciprocal of the effluent by the end of the acute exposure period, which is 48 hours for invertebrates and 96 hours for vertebrates.

"Toxic unit chronic" or "TU[c]" is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period, which is at least seven days for Ceriodaphnia, fathead minnow and rainbow "Uncertainty factor" or "UF" is one of several numeric factors used in deriving criteria from experimental data to account for the quality or quantity of the available data.

'USEPA" means the United States Environmental Protection Agency.

effective Reg. 111. 23 a (Source: Amended

Section 302.502 Dissolved Oxygen

Dissolved oxygen (STORET number 00300) must not be less than 90% of saturation, except due to natural causes, in the Open Waters of Lake Michigan as defined at Section 302.501. The other waters of the Lake Michigan Basin basim must not be less than 6.0 mg/L during at least 16 hours of any 24 hour period, nor less than 5.0 mg/L at any time. effective Reg. 111. 23 at (Source: Amended

Section 302.503 pH

pH (STORET number 00400) must be within the range of 7.0 to 9.0, except for natural causes, in the Open Waters of Lake Michigan as defined at Section Other waters of the Basin basin must be within the range of 6.5 to 9.0, except for natural causes. 302.501.

effective Reg. 111. 23 at (Source: Amended

Section 302.504 Chemical Constituents

concentrations of chemical constituents must not be exceeded, except as provided in Sections 302.102 and 302.530: The following

a) The following standards must be met in all waters of the Lake Michigan Basin. Acute aquatic life standards (AS) must not be exceeded at any time except for those waters for which the Agency has approved a zone

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to Sections 302.102 and 302.530 by the arithmetic average of four days. The samples used to demonstrate compliance with the CS or average Chronic aquatic life standards (CS) and human health standards (HHS) must not be exceeded outside of waters in which mixing is allowed at least four consecutive samples collected over a period of at least of initial dilution (ZID) pursuant to Sections 302.102 and 302.530. an HHS must be collected in a manner that assures representation of the sampling period. pursuant

Constituent	STORET	Unit	AS	S	HHS
Arsenic (Trivalent, dissolved)	22680	ng/L	340	148	NA
Cadmium (dissolved)	01025	T/6n	exp{A + Bln(H)] A = -3.6867 B = 1.128	exp[A + Bln(H)] A = -2.715 B = 0.7852	NA
Chromium (Hexavalent, total)	01032	T/6n	16	11	NA
Chromium (Trivalent, dissolved)	80357	ng/L	exp[A + Bln(H)] A = 3.7256 B = 0.819	exp[A + Bln(H)] A = 0.6848 B = 0.819	NA
Copper (dissolved)	01040	ng/E	exp{A + Bln(H)] A = -1.700 B = 0.9422	exp[A + Bln(H)] A = -1.702 B = 0.8545	NA
Cyanide (Weak acid dissociable)	00718	T/bn	22	5.2	NA
Lead (dissolved)	01049	T/bn	exp[A + Bln(H)] A = -1.055 B = 1.273	exp[A + Bln(H)] A = -4.003 B = 1.273	NA
Nickel (dissolved)	01065	I/bn	exp(A + Bln(H)] A = 2.255 B = 0.846	exp[A + Bln(H)] A = 0.0584 B = 0.846	NA
Selenium	01145	ng/L	NA	5.0	NA

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NA	NA	310	3.2	8.7	2.8	NA	6.7	5.6	NA	NA	51.0	370
11	exp[A + Bln(H)] A = 0.884 B = 0.8473	NA	NA	NA	NA	0.036	NA	NA	0.013	expB([pH] + A) A = -5.134 B = 1.005	NA	NA
19	exp[A + Bln(H)] A = 0.884 B = 0.8473	NA	NA	NA	NA	0.086	NA	NA	0.065	expB([pH] + A) A = -4.869 B = 1.005	NA	NA
ng/L	T/bn	7/6n	mg/L	mg/L	mg/L	ng/L	ng/L	mg/L	ng/L	ng/L	mg/L	ng/L
50060	01090	34030	34301	34606	03756	39390	34396	34423	39540	03761	78131	39180
TRC	Zinc (dissolved)	Benzene	Chlorobenzene	2,4-Dimethylphenol	2,4-Dinitrophenol	Endrin	Hexachloroethane	Methylene chloride	Parathion	Pentachlorophenol	Toluene	Trichloroethylene

Where:

NA = Not Applied

Exp[x] = base of natural logarithms raised to the x-power

ln(H) = natural logarithm of Hardness (STORET 00900)

The following water quality standards must not be exceeded at any time in any waters of the Lake Michigan Basin, unless a different standard is specified under subsection (c) of this Section. (q

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Constituent	STORET	Unit	Water Quality Standard	
Barium (total)	01007	mg/L	5.0	
Boron (total)	01022	mg/L	1.0	
Chloride (total)	00940	mg/L	500	
Fluoride	00951	mg/L	1.4	
Iron (dissolved)	01046	mg/L	1.0	
Manganese (total)	01055	mg/L	1.0	
Phenols	32730	mg/L	0.1	
Sulfate	00945	mg/L	500	
Total Dissolved Solids	70300	mg/L	1000	

c) In addition to the standards specified in subsections (a) and (b) of this Section, the following standards must not be exceeded at any time in the Open Waters of Lake Michigan as defined in Section 302.501.

Constituent Arsenic (total) Barium (total) Chloride Lead (total) Manganese (total) Mitrate-Nitrogen Phosphorus Selenium (total)	STORET Number 01002 01007 00940 01055 01055 01055 01055 01055	ug/L mg/L mg/L mg/L mg/L mg/L ug/L	Water Quality Standard 500 1.0 0.30 50.0 0.15 10.0 7.0 10.0
Total Dissolved Solids Oil (hexane solubles or equivalent) Phenols	70300 00550, 00556 or 00560 32730	mg/L mg/L	180.0

d) In addition to the standards specified in subsections (a), (b) and (c) of this Section, the following human health standards (HHS) must not be exceeded in the Open Waters waters of Lake Michigan as defined in Section 302.501 by the arithmetic average of at least four consecutive samples collected over a period of at least four days. The samples used to demonstrate compliance with the HHS must be collected in a manner that assures an average representation of the sampling period.

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Benzene 34	34030		12.0
		ng/L	
	34301	ng/I	470.0
1	34606	ng/I	450.0
	03757	ng/L	55.0
oroethane	34396	ng/L	5.30
(total)			
Lindane 39.	39782	ng/L	0.47
Methylene chloride 34	34423	ng/L	47.0
Toluene 78	78131	mg/L	5.60
Trichloroethylene 39.	39180	ng/L	29.0

aquatic life standards (AS) must not be exceeded at any time in any waters of the Lake Michigan Basin and chronic aquatic life standards (CS), must not be exceeded at any time in any waters of the Lake Michigan Basin and chronic aquatic life standards (CS), human health standards (HHS), and wildlife standards (WS) must not be exceeded in any waters of the Lake Michigan Basin by the arithmetic average of at least four consecutive samples collected over a period of at least four days subject to the limitations of Sections 302.520 and 302.530. The samples used to demonstrate compliance with the HHS and WS must be collected in a manner that assures an average representation of the sampling period.

Constituent	STORET	Unit	AS	CS	HHS	WS
Mercury (total)	71900	ng/L	1,700	910	3.1	1.3
Chlordane	39350	ng/L	NA	NA	0.25	NA
DDT and metabolites	39370	Dg/L	NA		150	11.0
Dieldrin	39380	ng/L	240	56	0.0065	NA
Hexachlorobenzene	39700	ng/L	NA	NA	0.45	NA
Lindane	39782	ng/L	0.95	NA	0.5	NA
PCBs (class)	79819	pg/L	NA	NA	26	120
2,3,7,8-TCDD	03556	fg/L	NA	NA	8.6	3.1
Toxaphene	39400	pg/L	NA	NA	68	NA

Where:

mg/L = milligrams per liter (10(-3) grams per liter)

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ug/L = micrograms per liter (10(-6) grams per liter)

ng/L = nanograms per liter (10(-9) grams per liter)

pg/L = picograms per liter (10(-12) grams per liter)

fg/L = femtograms per liter (10(-15) grams per liter)

NA = Not Applied

effective Reg. 111. 23 at (Source: Amended

Section 302.507 Thermal Standards for Existing Sources on January 1, 1971

the following restrictions outside of a mixing zone which shall be no greater All sources of heated effluents in existence as of January 1, 1971, shall meet than a circle with a radius of 305 m (1000 feet) or an a equal fixed area of simple form.

a) There shall be no abnormal temperature changes that may affect aquatic

Q)

The normal daily and seasonal temperature fluctuations that existed before the addition of heat shall be maintained.

The maximum temperature rise at any time above natural temperatures shall not exceed 1.7°C (3°F). In addition, the water temperature shall not exceed the maximum limits indicated in the following table: ô

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		JAN.		7	45	JUL.	27	80
		FEB.		7	45	AUG.	27	80
		MAR.	•	7	45	SEPT.	27	80
		APR.	1	3	55	OCT.	18	65
		MAY	16	9	09	NOV.	16	09
		JUN.	2	1	70	DEC.	10	20
(Source:	Amended	at	23	111.	Reg.		Ì	effective
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Section 302.521 Supplemental Antidegradation Provisions for BCCs

of concern (BCCs) in Section 302.501 from any source or activity increased loading of substances defined as bioaccumulative chemicals Notwithstanding the provisions of Section 302.105, waters within the certification provisions of the Clean Water Act (P.L. 92-100, as Lake Michigan Basin must not be lowered in quality due to new permitting, Section 401 water the NPDES

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amended), or joint permits from the Agency and the Illinois Department of Natural Resources under Section 39(n) of the Act [415 ILCS 5/39(n)] until and unless it can be affirmatively demonstrated that such change is necessary to accommodate important economic or social development.

Where ambient concentrations of a BCC are equal to or exceed an applicable water quality criterion, no increase in loading that BCC is allowed.

Where ambient concentrations of a BCC are below the applicable water quality criterion, a demonstration to justify increased loading of that BCC must include the following: 2)

significantly reduce the extent of increased loading of the Pollution Prevention Alternatives Analysis. Identify any cost-effective reasonably available pollution prevention alternatives and techniques that would eliminate

alternative or enhanced treatment techniques that are cost effective and reasonably available to the entity that would eliminate or significantly reduce the extent of increased Alternative or Enhanced Treatment Analysis. loading of the BCC. B

Important Social or Economic Development Analysis. Identify would be forgone if the increased loading of the BCC is not the benefits that the social or economic development and Ω

allowed.

In no case shall increased loading of BCCs result in exceedence applicable water quality criteria or concentrations exceeding the level of water quality necessary to protect existing uses. 3)

activity pursuant to Section 401 of the Clean Water Act, or joint Resources under Section 39(n) of the Act are not subject to the Changes in loadings of any BCC within the existing capacity and processes of an existing NPDES authorized discharge, certified permits from the Agency and the Illinois Department of Natural antidegradation review of subsection (a) of this Section. changes include but are not limited to: 4)

normal operational variability, including, but not limited to, intermittent increased discharges due to wet weather

changes in intake water pollutants;

increasing the production hours of the facility; or

increasing the rate of production. G C G

Any determination to allow increased loading of a BCC pursuant to a demonstration of important economic or social development need prior to final issuance of the NPDES permit, Section 401 water quality certification, or joint permits from the Agency and the Illinois Department of Natural Resources under Section 39(n) of shall satisfy the public participation requirements of 40 CFR 25 2)

The following actions are not subject to the provisions of subsection (q

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- (a) of this Section, unless the Agency determines the circumstances of an individual situation warrant application of those provisions to adequately protect water quality:
- 1) Short-term, temporary (i.e., weeks or months) lowering of water
- Bypasses that are not prohibited at 40 CFR 122.41(m); or
- 3) Response actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, or similar federal or State authority, undertaken to alleviate a release into the environment of hazardous substances, pollutants or contaminants that which pose danger to public health or welfare.

(Source: Amended at 23 Ill. Reg. , effective

Section 302.535 Ammonia Nitrogen

The Open Waters of Lake Michigan as defined in Section 302.501 must not exceed 0.02 mg/L total ammonia (as N: STORET Number 00610). The remaining waters of the Lake Michigan Basin besin shall be subject to the following:

-) Total ammonia nitrogen (as N: STORET Number 00610) must in no case exceed 15 mg/L.
- b) Un-ionized ammonia nitrogen (as N: STORET Number 00612) must not exceed the acute and chronic standards given below subject to the provisions of Section 302.208(a) and (b) of this Part:
- From April through October, the Acute Standard (AS) shall be 0.33
 mg/L and the chronic standard (CS) shall be 0.057 mg/L.
 From November through March, the AS shall be 0.14 mg/L and the CS
 - From November through March, the AS shall be 0.14 mg/L and the C shall be 0.025 mg/L.
- c) For purposes of this Section, the concentration of un-ionized ammonia nitrogen as N and total ammonia as N shall be computed according to the following equations:

$$U = \frac{N}{[0.94412(1 + 10(x)) + 0.0559]}$$

and N = U[0.94412(1 + 10(x)) + 0.0559]

Where:

$$X = 0.09018 + \frac{2729.92}{(T + 273.16)} - pH$$

U = Concentration of un-ionized ammonia as N in mg/L N = Concentration of ammonia nitrogen as N in mg/L T = Temperature in degrees Celsius.

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(Source: Amended at 23 Ill. Reg. , effective

Section 302.540 Other Toxic Substances

Waters of the Lake Michigan Basin must be free from any substance or any combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life. The numeric standards protective of particular uses specified for individual hemical substances in Section 302.504 are not subject to recalculation by this Section, however, where no standard is applied for a category, a numeric value may be calculated herein.

- a) Any substance shall be deemed toxic or harmful to aquatic life if present in concentrations that exceed the following:
- 1) A Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAARC) or Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAARV) derived pursuant to procedures set forth in Sections 302.555, 302.560 or 302.563 at any time; or
- 2) A Tier I Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or Tier II Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV) derived pursuant to procedures set forth in Section 302.565 as an average of four samples collected on four different days.
- b) Any combination of substances, including effluents, shall be deemed toxic to aquatic life if present in concentrations that exceed either subsection (b)(1) or (2) of this Section:
 - No sample of water from the Lake Michigan Basin collected outside of a designated zone of initial dilution shall exceed 0.3 TU[a] as determined for the most sensitive species tested using acute toxicity testing methods.
- 2) No sample of water from the Lake Michigan Basin collected outside a designated mixing zone shall exceed 1.0 TU[c] as determined for the most sensitive species tested using chronic toxicity testing methods.
- 3) To demonstrate compliance with subsections (1) and (2) of this subsection (b), at least two resident or indigenous species will be tested. The rainbow trout will be used to represent fishes for the Open Waters of Lake Michigan and the fathead minnow will represent fishes for the other waters of the Lake Michigan Basin. Ceriodaphnia will represent invertebrates for all waters of the Lake Michigan Basin. Other common species shall be used if listed in Table I A of 40 CFR 136, incorporated by reference at Section 302.510, and approved by the Agency.
- c) Any substance shall be defected to the result to wildlife if present in concentrations that exceed a Tier I Lake Michigan Basin Wildlife Criterion (LMWLC) derived quesuant to procedures set forth in Section 302.575 as an arithmetic average of four samples collected over four different days.
 - d) For any substance that is a threat to human health through drinking

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substance that is determined to be a BCC, the resulting criterion water exposure only, the resulting criterion or value shall be shall apply in the entire Lake Michigan Basin. These substances shall toxic or harmful to human health if present in only the Open Waters of Lake Michigan. concentrations that exceed either of the following: applicable to

Value (LMHHTV) based on disease or functional impairment due to a physiological mechanism for which there is a threshold dose below which no damage occurs as derived pursuant to procedures set forth in Section 302.585 as an arithmetic average of four samples A Tier I Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) or Tier II Lake Michigan Basin Human Health Threshold collected over four different days; or

(LMHHNC) or Tier II Lake Michigan Basin Human Realth Nonthreshold Value (LMHHNV) based on disease or functional impairment due to a damage as derived pursuant to procedures set forth in Section A Tier I Lake Michigan Basin Human Health Nonthreshold Criterion physiological mechanism for which any dose may cause some risk of 302.590 as an arithmetic average of four samples collected over four different days. 2)

The derived criteria and values apply at all points outside of any waters in which mixing is allowed pursuant to Section 302.102 or Section 302,530. (e

establishing criteria or values pursuant to subsections (b), (c), and numeric criteria or values derived pursuant to this Subpart may be No other procedures may be used to establish such criteria or values unless approved by the Board in a rulemaking The validity and applicability of these procedures may not be the Act, although the validity and correctness of application of the to subsection (g) of this The procedures of this Subpart E set forth minimum data requirements, and data assessment methods for or adjusted standards proceeding pursuant to Title VII of the Act. challenged in any proceeding brought pursuant to Title VIII or X challenged in such proceedings pursuant appropriate test protocols of this Section. (g) E)

Challenges to application of criteria and values.

6)

- pursuant to this Section only at the time such criterion or value is first applied in its NPDES permit pursuant to 35 Ill. Adm. Code 309.152 or in an action pursuant to Title VIII of the Act for violation of the toxicity water quality standard. Failure of a person to challenge the validity of a criterion or value at the of its first application to that person's facility shall constitute a waiver of such challenge in any subsequent proceeding involving application of the criterion or value to A permittee may challenge the validity and correctness of application of a criterion or value derived by the Agency 7
- Consistent with subsection (g)(l) of this Section, if a criterion 2)

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In any such action, the Agency shall include in the record all information upon which it has relied in developing and or value is included as, or is used to derive, a condition of an NPDES discharge permit, a permittee may challenge the criterion or value in a permit appeal pursuant to 35 Ill. Adm. Code applying the criterion or value, and whether such information was proof shall be on the petitioner pursuant to Section developed by the Agency or submitted by the petitioner. 40(a)(1) of the Act. burden of

Consistent with subsection (g)(l) of this Section, in an action bringing such action shall have the burdens of going forward with where alleged violation of the toxicity water quality standard is based on alleged excursion of a criterion or value, the person proof and persuasion regarding the general validity and correctness of application of the criterion or value. 3)

Subsections (a) through (e) of this Section do not apply to USEPA registered pesticides approved for aquatic application and pursuant to the following conditions: н Н

Application shall be made in strict accordance with label directions; 7

Applicator shall be properly certified under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq. (1972)); 2)

Applications of aquatic pesticides must be in accordance with the guidelines of all State and federal use or agencies authorized by law to regulate, laws, regulations and pesticide applications; 3

No aquatic pesticide shall be applied to waters affecting public or food processing water supplies unless a permit to apply the list of waters affecting public water supplies will be published pesticide has been obtained from the Agency. All permits shall determining their responsibilities under this subsection (h), a and maintained by the Agency's Division of Public Water Supplies. be issued so as not to cause a violation of the Act or of any To aid applicators the Board's rules or regulations. 4)

effective Reg. 111. 23 at (Source: Amended

Section 302.545 Data Requirements

and other aspects of data acquisition must be according to methods published by limited to, those methods found in Standard Methods, incorporated by reference in Section 302.510, or recommended in 40 CFR 132 and incorporated by reference The Agency shall review, for validity, applicability and completeness the data To the extent available, and to the extent not otherwise specified, testing procedures, selection of test species USEPA or nationally recognized standards of organizations, including, but not used in calculating criteria or values.

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Section 302.555 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Independent of Water Chemistry

If the acute toxicity of the chemical has not been shown to be related to a water quality characteristic, including, but not limited to, hardness, pH, or temperature, the Tier I LMAATC is calculated using the procedures below.

- Species Mean Acute Value (SMAV) is calculated as the geometric mean of For each species for which more than one acute value is available, the the acute values from all tests. а Э
- For each genus for which one or more SMAVs are available, the Genus Mean Acute Value (GMAV) is calculated as the geometric mean of the Q
 - The GMAVs are ordered from high to low in numerical order. SMAVs available for the genus.
- the highest. If two or more GMAVs are identical, successive ranks are Ranks (R) are assigned to the GMAVs from "1" for the lowest to "N" for arbitrarily assigned. G G
 - The cumulative probability, P, is calculated for each GMAV as R/(N+1).
- be used in the calculations of subsection (g) of this Section must be those with cumulative probabilities closest to 0.05. fewer than 59 GMAVs in the total data set, the values be the lowest four obtained through the ranking If there are utilized must GMAVs to The (e)
 - Using the GMAVs identified pursuant to subsection (f) of this Section and the Ps calculated pursuant to subsection (e) of this Section, the Final Acute Value (FAV) and the LMAATC are calculated as: procedures of subsections (c) and (d) of this Section. 6

$$FAV = exp(A)$$
 and $LMAATC = FAV/2$

Where:

A = L + 0.2236 S

L = [SUM(lnGMAV) - S(SUM(P(0.5)))]/4

$$S = [[SUM((lnGMAV)(2)) - ((SUM(lnGMAV))(2))/4] / [SUM(P) - ((SUM(P(0.5))) (2))/4]](0.5)$$

by the calculated FAV, then the SMAV for that species is used as the FAV. sustain commercial or recreational activities, will not be protected is necessary If a resident or indigenous species, whose presence Э Р

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Section 302.560 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry

If data are available to show that a relationship exists between a water quality characteristic (WQC) and acute toxicity to two or more species, a Tier I LMAATC must be calculated using procedures in this Section. Although the can be linearized by a logarithmic transformation (i.e., for any variable, K, f(K) = logarithm of K) of the variables and plotting the logarithm of hardness against the logarithm of acute toxicity. Similarly, relationships between pH or for any variable, K, f(K) = K) for one or both variables to obtain least relationship between hardness and acute toxicity is typically non-linear, An LMAATC values on acute toxicity and other water quality characteristics, such as temperature, may require a transformation, including no transformation acute toxicity transformed values of the water quality characteristic. squares linear regression of the transformed calculated using the following procedures.

- least squares regression of the transformed acute toxicity (TAT) values on the transformed water quality characteristic (TWQC) values or more different values of the water quality characteristic, a linear performed to obtain the slope of the line describing the For each species for which acute toxicity values are available at relationship.
- quality characteristic and the degree of agreement within and between if too few data are available to define the relationship between acute of this Section is evaluated as to whether it is statistically valid, taking into account the range and number of tested values of the water invertebrate species, or if the available slopes are too dissimilar or toxicity and the water quality characteristic, then the LMAATC must be species. If slopes are not available for at least one fish and (a) Each of the slopes determined pursuant to subsection calculated using the procedures in Section 302.555. Q
 - values used in the determination of the mean, such that the arithmetic values for each species by subtracting W, the mean of the normalized TAT values for each species individually or for arithmetic mean of the TAT values of a species, from each of the any combination of species is zero (0.0). Normalize the TAT G
 - manner as in TWQC values for each species using X, the arithmetic mean of the TWQC values of a species, in the same subsection (c) of this Section. q
- single species and perform a least squares linear regression of all the normalized TAT values on the corresponding normalized TWQC values Group all the normalized data by treating them as if they were from to obtain the pooled acute slope, V. (e
- For each species, the graphical intercept representing the species TAT intercept, f(Y), at a specific selected value, Z, of the WQC £)

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calculated using the equation:

$$f(X) = W - V(X - g(Z))$$

Where:

f() is the transformation used to convert acute toxicity values to TAT values

species acute Y is the species acute toxicity intercept or intercept W is the arithmetic mean of the TAT values as specified in subsection (c) of this Section

(e) V is the pooled acute slope as specified in subsection of this Section X is the arithmetic mean of the TWQC values as specified in subsection (c) of this Section

g() is the transformation used to convert the WQC values TWQC values

Z is a selected value of the WQC

- For each species, determine the species acute intercept, Y, by carrying out an inverse transformation of the species TAT value, f(Y). For example, in the case of a logarithmic transformation, Y = antilogarithm of (f(Y)); or in the case where no transformation is used, X = f(X). 6
- The Final Acute Intercept (FAI) is derived by using the species acute accordance with the procedures described in Section 302.555(b) through (g), with the word "value" replaced by the word "intercept". Note that in this procedure geometric means and natural logarithms are this Section, from subsection (f) of obtained intercepts, always used. e P
 - If, for a commercially or recreationally important species, the geometric mean of the acute values at Z is lower than the FAV at The Aquatic Acute Intercept (AAI) is obtained by dividing the FAI then the geometric mean of that species must be used as the FAV. į,
- The LMAATC at any value of the WQC, denoted by WQCx, is calculated Section and the using the terms defined in subsection (f) of this equation: ÷

LMAATC = exp[V(g(WQCx) - g(Z)) + f(AAI)]

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at
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(Source:

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ILLINOIS REGISTER

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 302.563 Determining the Tier II Lake Michigan Basin Acute Aquatic Life Foxicity Value (LMAATV) procedures are not met, a Tier II LMAATV must be calculated for a substance as

follows:

If all eight minimum data requirements for calculating a an FAV using Tier I

The lowest GMAV in the database is divided by the Secondary Acute minimum, a GMAV for one of the following three genera in the family Daphnidae -- Ceriodaphnia sp., or Simocephalus sp. The Factor (SAF) corresponding to the number of satisfied minimum data order to calculate a Tier II LMAATV, the data base must contain, at a requirements listed in the Tier I methodology (Section 302.553). Secondary Acute Factors are:

Secondary	Acute	Factor	43.8	26.0	16.0	14.0	12.2	10.4	8.6
Number of Minimum	data requirements	satisfied (required taxa)	T		en .	4		9	7

II LMAATV Tier the If dependent on a water quality characteristic, must be calculated according to Section 302.560. (q

effective Reg. 111. 23 at (Source: Amended Section 302.565 Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV)

- Determining Tier I LMCATC
- 1) When chronic toxicity data are available for at least eight or indigenous species from eight different North American genera of freshwater organisms as specified in Section in Section 302.555 or 302.560 by substituting LMCATC for FAV or 302.553, a Tier I LMCATC is derived in the same manner as the FAV FAI, chronic for acute, SMCV (Species Mean Chronic Value) for SMAV, and GMCV (Genus Mean Chronic Value) for GMAV.
- If data are not available to meet the requirements of subsection (a) of this Section, a Tier I LMCATC is calculated by dividing 2)

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

least three different families provided that of the three the FAV by the geometric mean of the acute-chronic ratios (ACRs) obtained from at least one species of aquatic animal from at species:

- At least one is a fish;
- At least one is an invertebrate; and
- At least one species is an acutely sensitive freshwater species if the other two are saltwater species. C B B
- acute toxicity concentration from data considered under Section 302.555 The acute-chronic ratio (ACR) for a species equals the or 302.560, divided by the chronic toxicity concentration. 3)
- to sustain commercial or recreational activities will not be SMCV for that a resident or indigenous species whose presence is necessary protected by the calculated LMCATC, then the species is used as the CATC. ΙĘ 4)
 - Determining the Tier II LMCATV (q
- data for all three ACRs, a Tier II Lake Michigan Chronic Aquatic Life Toxicity Value shall be calculated using a secondary acute If all eight minimum data requirements for calculating a FCV using Tier I procedures are not met, or if there are not enough chronic ratio (SACR) determined as follows: 7
 - If fewer than three valid experimentally determined ACRs are available:
 - οĘ Use sufficient ACRs of 18 so that the total number ACRs equals three; and Ţ
- Calculate the Secondary Acute-Chronic Ratio as the If no experimentally determined ACRs are available, the SACR geometric mean of the three ACRs; or ii)
- following the of Calculate the Tier II LMCATV using one is 18, 2)

B)

- equations:
- Tier II LMCATV = FAV / SACR
- Tier II LMCATV = SAV / FACR Tier II LMCATV = SAV / SACR C) B)

Where:

the SAV equals 2 times the value of the Tier II LMAATV calculated in Section 302.563 for a commercially or recreationally important species, the SMCV is lower than the calculated Tier II LMCATV, then the must be used as the Tier II LMCATV. If, 3)

effective	
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Amended	
(Source:	

Section 302.580 Procedures for Deriving Water Quality Criteria and Values in

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the Lake Michigan Basin to Protect Human Health - General

- to humans will also be calculated according to procedures for the Lake Minimum data requirements for BAFs for Lake Michigan Basin human adverse effects resulting from incidental exposure to, or ingestion of, the waters of Lake Michigan and from ingestion of aquatic organisms taken from the waters of Lake Michigan. A Lake Michigan Human Health Threshold Criterion (LMHHTC) or Lake Michigan Human Health Threshold Value (LMHHTV) will be calculated for all substances according to Section 302.585, if data is available. Water quality values for substances which are, or may be, carcinogenic The Lake Michigan Basin human health criteria or values for a substance are those concentrations at which humans are protected from Michigan Human Health Nonthreshold Value (LMHHNV) in Section 302.590. Michigan Human Health Nonthreshold Criterion (LMHHNC) or the criteria or a) Q
 - BAF derived using the BSAF methodology is required unless the chemical has a BAF less than 125, then a BAF derived by A) For all organic chemicals, either a field-measured BAF or health criteria: 1) Tier I.
 - For all inorganic chemicals, including organometals such as field-measured laboratory-measured BCF is required. any methodology is required; and either mercury,
 - Tier II. Any bioaccumulation factor method in Section 302.570(a) may be used to derive a Tier II criterion. 2)

effective Reg. 111. 23 at (Source: Amended

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- Heading of the Part: Health Facilities Planning Procedural Rules
- 77 Ill. Adm. Code 1130 Code Citation:

2) 3)

- Proposed Action: Amendment Section Number:
- Illinois Health Facilities Planning Act [20 ILCS Statutory Authority: 4

2

- being reviewed for need or appropriateness by the Planning Board. As a healthcare facility engages in transactions which change the services premises of the healthcare facility. Further, the scope and nature of result, excess surgical capacity is being created in Illinois which may be detrimental to the consumer both financially and in regards to quality of Operation of the Facility" (77 Ill. Adm Code 1130.140) states that if a offered that it has, in essence, changed the functional aspects of the healthcare facility and a review of that proposal is necessary to fulfill the requirements of the Illinois Health Facilities Planning Act [20 ILCS Recent information indicates some healthcare facilities in Illinois are offering outpatient surgical services off the licensed licensing by the Ambulatory Surgical Treatment Center Act [210 ILCS 5]. definition of "Substantially Changes the Scope or Changes the Functional these outpatient surgical services are such that they are not subject Since they are not subject to licensing, these new facilities are A Complete Description of the Subjects and Issues Involved:
- Will this rulemaking replace any emergency rulemaking currently in effect? (9
- õ Does this rulemaking contain an automatic repeal date? 7
- Does this rulemaking contain incorporation by reference? 8
- Are there any other proposed rulemakings pending on this Part? 6

8 N

- Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate, 10)
- Time, Place and Manner in which interested persons may comment on this <u>proposed rulemaking</u>: Interested persons may present their comments concerning this rulemaking by writing within 45 days after this issue of the Illinois Register to: 11)

Division of Facilities Development Health Facilities Planning Board Donald Jones

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HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

525 West Jefferson, Second Floor Springfield, Illinois 62761

217/785-4308 (fax)

800-547-0466 (TTY - for hearing impaired only)

E-mail: djonesl@idph.state.il.us

the of days after this issue All written comments received within 45 Illinois Register will be considered.

the proposed amendment. Persons interested in presenting testimony at this hearing are advised that the State Board will follow these procedures in A public hearing will be held on Wednesday, April 7, 1999, at 2:30 p.m. at the Executive Plaza Hotel, 71 East Wacker Drive, Chicago, Illinois. hearing will be for the sole purpose of gathering public comment on the conduct of the hearing:

- State Board a written (preferably typed) copy of such testimony at the Each person presenting oral testimony is requested to provide to time the oral testimony is presented. 7
- persons wishing to testify have done so. The State Board may limit the time the hearing is open and limit the time of individual testimony based upon the number of persons wishing to testify. All individual in the midst of presenting testimony shall be allowed to shall conclude at the specific time except that No person will be recognized to speak for a second time complete his/her testimony. 2)
- the hearing, the State Board may to In order to provide for a balanced presentation of views and impose such other rules of procedure, including the order of call the orderly conduct of witnesses, as necessary. facilitate 3)

This rulemaking may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Donald Jones at the above address.

Administrative Procedure Act) commenting on this rulemaking shall indicate Illinois Any small business (as defined in Section 1-75 of its status as such, in writing, in its comments.

Initial Regulatory Flexibility Analysis: 12)

Types of small business, small municipalities and not for profit Health care facilities definition of small businesses corporations affected: A)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated.
- The full text of the Proposed Amendments begin on the next page:

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DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- Heading of the Part: Airport Construction Contracts 1)
- Code Citation: 44 Ill. Adm. Code 685

2)

Proposed Action: Repeal Repeal Repeal	Repeal Repeal Repeal Repeal Repeal Repeal Repeal Repeal	Repeal Repeal Repeal Repeal Repeal Repeal Repeal Repeal Repeal	Repeal Repeal Repeal Repeal Repeal Repeal Repeal Repeal Repeal	Repeal Repeal Repeal Repeal Repeal Repeal Repeal Repeal
3) <u>Section Numbers:</u> 685.10 685.210 685.215 685.220	5.2333335.23335.23335.23335.23335.2335.2355.2555.2555.266	885.27 885.27 885.28 885.28 885.29 885.31 885.33	685,360 685,380 685,390 685,410 685,420 685,440 685,460 685,460	

NOTICE OF PROPOSED REPEALER

[=0000	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal
C0E E70	85.58		685.590	685.592	685.595	685.598	685.610	685,615	.62	œ.	. 63	• 9	685.640	9	685,650	.65	685.660	685.665		685.675	685.680	685,685	685,690	685.710		- 7	5 . 7			85.7		٠.	.79	685.798		œ	685.830	685.840	8	685.860	ů.	685.880	LO	685.TABLE A

Statutory Authority: Implementing Section 39 and authorized by Section 28 of the Illinois Aeronautics Act [620 ILCS 5/28 and 39].

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DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- The ed administrative rules (See Contract Code 660) that provide for the procurement A Complete Description of the Subjects and Issues Involved: practices of the Department formerly covered by this Part. adopted Procurement; 44 Ill. Adm. recently Department 2
- Will this proposed rulemaking replace an emergency rule currently in effect? No (9
- 8 Does this rulemaking contain an automatic repeal date? 7
- 8 Does this proposed repealer contain incorporations by reference? 8
- S_N Are there any other proposed amendments pending on this Part? 6
- This rulemaking will not affect units of local government or not-for-profit corporations. Statement of Statewide Policy Objectives: 10)
- Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be 11)

Illinois Department of Transportation Mr. Jon Tweedt, Deputy Chief Counsel 2300 South Dirksen Parkway Room 311

Springfield, Illinois 62764 (217) 785-3215

þe JCAR requests, comments and concerns regarding this rulemaking should addressed to:

Christine Caronna-Beard, Rules Manger Illinois Department of Transportation Springfield, Illinois 62764 2300 South Dirksen Parkway Room 311

(217) 782-3215

Comments received within forty-five days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

Initial Regulatory Flexibility Analysis: 12)

Type of small businesses, small municipalities and not for profit corporations affected: None A)

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NOTICE OF PROPOSED REPEALER

- Reporting, bookkeeping or other procedures required for compliance: <u>B</u>
- Types of professional skills necessary for compliance: None S
- January 1999 13) Regulatory Agenda on which this rulemaking was summarized:

The full text of the Proposed Repealer begins on the next page:

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DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 685

AIRPORT CONSTRUCTION CONTRACTS (REPEALED)

SUBPART A: DEFINITION OF TERMS

Definition of Terms Section 685.10 SUBPART B: PROPOSAL REQUIREMENTS AND CONDITIONS

Notice to Contractors 685,210 Section

Advertisement of Bids Lettings 685,215 685.220

Transmittal of Plans and Contract Documents Contents of the Contract Document Cover Interpretation of Estimates 685.225 685.230 685,235 Examination of Plans, Specifications, Special Provisions, Site of Preparation of Proposals Work 685.240 685.245

Withdrawal of Proposals Rejection of Proposals Delivery of Proposal Proposal Guaranty 685.255 685.250 685,260 685.265

Public Opening of Proposals Disqualification of Bidders Competency of Bidders Material Guaranty 685.270 685.275 685.280

Requirements for Corporations Outside the State of Illinois Contractual Cases Where Competitive Bidding Not Required 685.285 685.290 685.295

SUBPART C: AWARD AND EXECUTION OF CONTRACT

Consideration of Proposals Award of Contract 685.320 685.310 Section

Return of Proposal Guaranties (Bid Bonds) Requirements of Performance Bond 685.330 685.340

Requirements of Payment Bond Execution of Contract 685.350 685.360

Approval of Contract Failure to Execute Contract 685.370 685.380 685.390

Progress Schedule

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SCOPE OF WORK SUBPART D:

Changes and Increased or Decreased Quantities of Work Removal and Disposal of Structures and Obstructions Extra Work -- Force Account Maintenance of Traffic Omitted Items Special Work 685.420 685.450 685.430 685.440 685.460 685.470

Intent of Plans and Specifications

685.410

Section

Use of Materials Found on the Work 685.480

Final Cleaning Up

SUBPART E: CONTROL OF THE WORK AND MATERIALS

Coordination of Specifications, Plans and Special Provisions Conformity with Plans and Allowable Deviations Cooperation of the Contractor Authority of the Engineer Construction Stakes 685.520 685,510 685,530 685.540 685,550

Section

Approval of Sources of Supply of Materials Cited Specifications, Samples and Tests Approval and Acceptance of Materials 685.560 585.570

Authority and Duties of the Resident Engineer and Inspectors Storage 685.580 685,585 685.590

Removal of Defective and Unauthorized Work Disputed Claims for Extra Work Inspection 685.595 685,592 685.598

SUBPART F: LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

Laws to be Observed 685.610 685,615

Section

Patented Devices, Materials and Processes Federal Participation Permits and Licenses 685.620 685.625 685,630

Sanitary Provisions

Barricades, Signs, Hazard Markings and Other Protection Public Convenience and Safety 685,635

Protection and Restoration of Property Use of Explosive 685.640 685.645 685,650

Opening of Section of Airport to Traffic Responsibility for Damage Claims 685,655

Contractor's Responsibility for Work 685.660 685,665

Personal Liability of Public Officials No Waiver of Legal Rights 685.670

Right-of-Way 685.675

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NOTICE OF PROPOSED REPEALER

Air Pollution Insurance 685,685 685,690

SUBPART G: PROSECUTION AND PROGRESS

Assignment of Contracts and Claims 685.710

Limitation of Operation Prosecution of Work 685.720 685.730

Determination and Extension of Contract Time for Completion Character of Workmen and Equipment Temporary Suspension of Work 685.760 685.740 685.750

Adjustment for Suspended Work Failure to Complete Work 685.770 685.780

Procedure for Completion of Seasonal Work Termination of Contract 685.790

Fulfillment of Contract 685.795 685.798 SUBPART H: MEASUREMENT AND PAYMENT

Measurement of Quantities Section 685.810

Payment for Increased or Decreased Quantities Payment for Omitted Items Scope of Payment 685.820 685.830 685.840

Payment for Extra and Force Account Work Partial Payment 685.850 685,860

Payment for Stock Pile Material Acceptance and Final Payment 685.870 685.880

Contract Requirements For Airport Development Aid Program Projects APPENDIX

the Schedule of Deductions For Each Day of Overrun in Contract Time Rev. Stat. 1981, ch. 15 1/2, pars. 22.39 of Section 28 þλ AUTHORITY: Implementing Section 39 and authorized TABLE A

Act (111.

Aeronautics

Illinois

22.28).

and

23 Amended April 28, 1972; codified at 8 Ill. Reg. 19614; repealed at effective Ill. Reg. SOURCE:

SUBPART A: DEFINITION OF TERMS

Section 685.10 Definition of Terms

or instruments pertaining to construction, the following terms are used, the Whenever in these Rules, and in the Construction Contract or in any documents intent and meaning shall be interpreted as follows:

NOTICE OF PROPOSED REPEALER

- "Access Road"--The right-of-way, the roadway and all improvements constructed thereon, connecting the airport to a public highway. a)
- "Administrator" -- Administrator of the Federal Aviation Administration or his duly authorized representative. (q
- appurtenant areas which are used, or intended for use, for airport "Airport"--Airport means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any buildings or other airport facilities or rights-of-way, together all airport buildings and facilities located thereon. G
 - "A.A.S.H.O."--The American Association of State Highway Officials.
 - "A.S.T.M."--The American Society for Testing and Materials. () () () () () () () ()
- "Bidder"--Any individual, partnership, firm or corporation, acting directly or through a duly authorized representative, submitting a Proposal for the work contemplated.
- used, considered or intended to be used for airport buildings or other "Building Area" -- Building area is that part of an airport which is airport facilities or rights-of-way together with all buildings and facilities located thereon, 6
 - "Change Order"--A written order to the Contractor, signed by the Engineer, ordering a change that has been found necessary in the work from that originally shown in the plans and specifications but which authorized is still within the general scope of the contract. Change Orders duly Engineer constitute the modifications of the contract. executed by signed and h)
- accordance with the intent of the Plans and Specifications, in an "Contract" -- The written agreement covering the performance of work. Plans, Specifications, Performance Bond and Payment Bond. It shall also include any and all Supplemental Agreements which may be executed to complete the work Construction The Contract shall include the Proposal, Schedule of Prices, Special Provisions, acceptable manner. <u>i</u>
 - Contractor and his surety as a guarantee of good faith and ability on "Performance Bond" -- The approved form of security furnished by the the part of the Contractors to execute the work in accordance with the terms of the Plans, Specifications and Contract. j
- corporation executing a Contract, acting directly or through lawful agents or employees, primarily liable for the acceptable performance of the work of all legal debts "Contractor" -- The individual, partnership, firm for which contracted, and also for the payment pertaining to the work. ×
 - is an item which must completed either partially or completely to permit continuation "Controlling Item" -- A controlling item progress and completion of the contract. 7
- "Department" -- The State of Illinois, Department of Aeronautics, acting for the purposes of the prosecution of this project, of the Owner. Ē
- of "Director" -- The Director of the Department of Aeronautics, State <u>-</u>

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NOTICE OF PROPOSED REPEALER

- structures by which surface or subsurface waters are collected and "Drainage"--Drainage is the system of pipes, drainageways, ditches conducted from the airport area. 0
 - Engineer "-- The Chief Engineer of the State of Illinois, Department of Aeronautics, duly authorized by the Owner, acting directly or through an assistant or representative. Ġ.
 - for 'Equipment"--All machinery, together with the necessary supplies upkeep and maintenance and also all tools and apparatus necessary the proper construction and acceptable completion of the work. ਰ
 - "F.A.A." -- Federal Aviation Administration of the United States. r)
- and supplements, amendments, and indices thereto, are prepared and the General Services Administration of the Federal "Federal Specifications"--The Federal Specifications and Standards, Documents, U.S. Government Printing Office, Washington, D.C. 20402. by the General Services numerical transfer the Superintendent ent. These may be purchased from the Superintendent of These may be purchased from the Superintendent of the Super Government.
 - "Inspector" -- An authorized Representative of the Project Engineer assigned to make all necessary inspections of the work performed or being performed and/or of the materials furnished or being furnished the Contractor, working under the supervision of the Resident +
- "Intention of Terms" 'n
- the Plans the words "directed", "required", "permitted", "designated", "prescribed", "ordered", or words of like import are used, it shall be understood that the direction, requirement, permission, order, designation, or prescription of the Engineer is intended; and similarly, the words "approved", "acceptable", "satisfactory", or words of like import, shall mean approved by, or acceptable to, or satisfactory to the Project Engineer subject 1) Whenever, in the specifications, the Special Provisions or in each case to the final determination of the Department.
 - Any reference to a paragraph or subparagraph within a section shall include the general provision of the section of sections and paragraph pertinent thereto. 2)
- "Laboratory"--The official testing laboratory of the Department or such other laboratories as may be designated by the Engineer. <u>۸</u>
- "Landing Strip" -- A portion of the usable area of an airport, generally in its natural state or which, as the result of construction work, is of aircraft under all favorable weather conditions. The runway is the paved central portion suitable for the landing and taking off of the landing strip. 3
- "Landscaping"--The planning, planting, establishing and caring for trees, shrubs, vines and other vegetation to provide shade, reduced general appearance control erosion or improve the dust, ×
- sources used on or near the airport or within the airport buildings. The field lighting includes all luminous signals, markers, floodlights and illuminating devices used on or near the airport to promote visual "Lighting"--A system of fixtures providing or controlling γ

NOTICE OF PROPOSED REPEALER

identification of the airport or to aid in the operation of aircraft of Award" -- A written notice to the successful Bidder stating that his Bid has been accepted and that, in accordance with the terms of the Notice of Contractors and the Specifications, he is required to landing at, taking off from, or taxiing on the airport surface. execute the Contract and furnish satisfactory Contract Bond. (2

"Notice to Proceed" -- A written notice to the Contractor of the date on which he is to begin the prosecution of the work for which he has contracted. aa)

"Owner" -- The owner of the airport. pp) "Pavement"--The combined surface course, base course and subbase cc)

course considered as a single unit of pavement.

contractor and his Surety as a guarantee that he will pay in full all bills and accounts for materials and labor used in the construction of "Payment Bond"--The approved form of security furnished by the work, as provided by law. dd)

or exact reproductions thereof, approved by the Engineer which show the location, character, dimensions and details of the airport and the "Plans"--The official Plans, Working Drawings or Supplemental Drawings work to be done and, which are to be considered as a part of Contract, supplementary to the Specifications. ee)

"Project" -- A project for the accomplishment of airport development with respect to a particular airport. ff)

"Progress Schedule" -- A graphic schedule showing the sequence of the individual rates and the number of working days estimated for the completion of each controlling item in order to carry the project controlling items of work. The schedule shall indicate also completion. (66

"Project Engineer"--The representative of the Owner, whether employed directly by the Owner or employed by an engineering firm retained by the Owner, acting as the immediate supervisor of the Resident hh)

"Proposal" -- The written offer of the Bidder when submitted on the approved Proposal form, to perform the contemplated work and furnish the necessary materials in accordance with the provisions of the Plans and these Specifications. ii)

which the written offer or formal Bid is to be prepared and submitted for the construction to Form"--The approved form on "Proposal jj)

"Proposal Guaranty (Bid Bond)" -- The security to be furnished by the Bidder as guaranty of good faith that he will enter into a Contract Owner and will execute the required Bonds covering the work contemplated, if the same is awarded to him. with the kk)

an Agency thereof; a State; a Municipality or other political "Public Agency" -- Public Agency means the United States Government subdivision; or a tax-supported organization. 11)

mm) "Resident Engineer"--The representative of the Owner, whether employed directly by the Owner or employed by an engineering firm retained by

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NOTICE OF PROPOSED REPEALER

supervision of the Project Engineer. The Resident Engineer resides on the construction site at all times the Contractor is working and as the Owner, directly in charge of the work and acting under required to properly complete the necessary engineering to carry project to completion.

or acquired for the development and operation of an airport and its "Right-of-Way" -- All lands or other property interests provided appurtenances.

Runway"--The paved surface of an airport used for the landing and taking off of aircraft. 00

"Shoulders" -- That portion of the landing strip lying outside of runway

"Sodding" -- The transplanting of established turf in the form of blocks or strips, usually referred to as sod.

requirements peculiar to the project under consideration, covering "Special Provisions"--The specific clauses setting forth conditions or work or materials involved in the Proposal and Estimate, which are not

and requirements manner of performing the work, or to the quantities, or the qualities contained in the Contract, or incorporated by reference thereto, supplemented by Special Provisions, pertaining to the method and thoroughly or satisfactorily stipulated in the Specification. directions, provisions of materials to be furnished under the Contract. "Specifications"--The SS)

amendments, and indices thereto, as prepared and issued by the Department Standard Drawings, and supplements, Department. These may be procured from the Department, by written or personal request, free of charge. "Standards"--The tt)

"Structures"--As used in the Specifications and Special Provisions, structures shall mean culverts, including headwalls and endwalls, drainage construction, such as storm sewers, gutters, catch basins, inlets, manholes, retaining walls, lighting structures and other structures which may be encountered in the building of the runways, landing strips, taxiways and roadways.

"Subgrade"--The soil which forms the pavement foundation. (^ ^

present on the work at all times during progress, authorized to receive and fulfill instructions from the Resident Engineer and who "Superintendent" -- The executive representative for the Contractor shall supervise and direct the construction.

"Supplemental Agreement" -- A written Proposal and Agreement executed by the parties to the Contract with the consent of the Contractor's specified in Section 685.430, which is necessary to the proper Surety covering work not included in the Plans and Proposal or completion of the project. (XX

fulfillment of the Contract and for the payment of all lawful debts Performance Bond and the Payment Bond with and for the Contractor, and which engage to be responsible for the entire and satisfactory "Surety" -- The corporate body or individuals which are .ncurred in fulfilling the Contract. YY)

NOTICE OF PROPOSED REPEALER

- zz) "Surfacing"--The top layer of the pavement. aaa) "Taxiway"--A paved or unpaved strip over which the aircraft may taxi
- to and from the landing area, runways, or aprons of an airport.

 bbb) "The Work"—The improvement advertised for letting, described in the proposal form, indicated on the plans, and covered in the specifications, special provisions, contract, authorized alterations, extensions and deductions, change orders, and supplementary agreements, or any part or parts thereof, including labor, tools, equipment, materials and incidentals necessary for the satisfactory completion of the project.
- occ) "Work, Major Item of"--A major item of work shall be construed to be any item, the total cost of which is equal to or greater than ten (10) per cent of the total Contract amount, computed on the basis of the proposal quantity and the Contract unit price.
 - ddd) "Turf"--The mass of matted roots of grass and certain other low-growing plants, including the layer of soil in which they are growing and the plant growth showing above. The density and quality of the turf mat will be influenced by environmental conditions and service requirements, but in general, maximum coverage with a minimum yield is desired, as distinct from agricultural production.
 - eee) "Turfing"--The process involved in the planting and developing of turf, including preparation and improvement of soil, sowing or planting, cultural practices and other operations necessary to its establishment and maintenance.
- fff) "Working Days"
- A full working day shall be defined as any calendar day except Saturdays, Sundays or National holidays during which the Contractor can proceed towards the contract's completion for at least six (6) hours on a controlling item.
- 2) A whole working day will be charged for any day on which conditions are such that the Contractor could be expected to do a full day's work on the controlling item. A whole working day will be charged on days when the Contractor could be working on a controlling item, but elects not to work or elects to work elsewhere. No allowance will be made for delay or suspension of the work due to the fault of the Contractor.
 - 3) The Engineer will determine which days are workable.
 4) A partial working day of one-half shall be charged under the
- A partial working day of one-half shall be charged under the following conditions:

 A) When weather conditions do not permit the completion of a

full day's work on the controlling item.

- B) When job conditions due to recent weather do not permit full efficiency, as determined by the Engineer, of the men or equipment, which are working on the controlling item.
 - equipment, which are working on the controlling item.
 5) No working days shall be charged under the following conditions:
- A) When adverse weather prevents work on the controlling item.B) When job conditions due to recent weather prevent work on the controlling item.

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- C) When strikes, lock-outs, extraordinary delays caused by utility work, extraordinary delays in transportation or 'nability to procure critical materials suspend work on the controlling item, as long as these delays are not due to any fault of the controltor.
 - D) When any condition over which the Contractor has not control causes suspension of work on the controlling item as determined by the Engineer.
- E) When the Contractor has to re-work a major portion of the controlling item because of natural causes creating a setback in construction progress.
- 6) One copy of the "Weekly Working Day Report" will be mailed to the Contractor's office weekly. Any disagreement with the working day charges shown must be expressed in writing to the Engineer's office within seven days of receipt of the report giving detailed reasons for the disagreement. The final resolution of such disagreement will be made by the Engineer.
- ggg) "Working Time"--The working time, stated in the Proposal and the Contract, shall be given as a definite number of working days, and shall be considered an essential part of the Contract.

SUBPART B: PROPOSAL REQUIREMENTS AND CONDITIONS

Section 685.210 Notice to Contractors

An official Notice to Contractors stating the time and place for the submission of sealed Proposals upon designated projects or proposed work. This Notice will contain a description of the proposed work, instructions to the Bidder regarding the Proposal forms, Proposal Guaranty. Plans, Specifications, and the reservation of the right of the Department to reject any or all Bids.

Section 685.215 Advertisement of Bids

Notice of all airport construction projects for which competitive bids will be received by the Department, will be published in the secular official newspaper selected by the Department of Finance, State of Illinois, at least three (3) times, the first and last publication shall be at least ten (10) days apart.

Section 685.220 Lettings

The Department shall advertise for bids, receive bids, and supervise and conduct the letting and award of, and upon specific written authorization, direction and approval of the Municipality or political subdivision, execute the construction contract or contracts.

Section 685.225 Transmittal of Plans and Contract Documents

Plans and Contract Documents will be sent to prospective Bidders requesting

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them from the Department, by first class mail, unless specifically requested that they be sent express collect or air express collect.

Section 685.230 Contents of the Contract Document Cover

contract documents will state the time in which the work must be completed; the in the Contract The Department will furnish Bidders with a Contract Document cover containing contract documents which will state the date, time and place of opening bids; the location and description of the contemplated construction; and which will the approximate quantities of the various items of work to be performed amount of the Proposal Guaranty (Bid Bond) which must accompany the bid; and the Airport Development Aid Program (if applicable), or requirements which vary from or are not contained in the applicable Specifications, Special Provisions will include Special Provisions, Minimum Wage Rates, Contract Requirements and materials to be furnished, for which unit bid prices are asked. Document cover are necessary parts thereof and must not be detached. and Minimum Wage Rates. All papers and documents contained show

Section 685.235 Interpretation of Estimates

by implication agree that the actual quantities involved will correspond exactly therewith; nor shall the Bidder plead misunderstanding or deception because of such estimate of quantities, or of the character, location or other conditions pertaining to the work. Payment to the Contractor will be made only An estimate of quantities of work to be done and materials to be furnished is the Proposal. It is the result of careful calculations and is to be correct, but it is given only as a basis for comparison of Proposals and the award of the Contract. The Department does not expressly or or materials furnished in accordance with the Plans and Specifications and it is understood that the quantities may be increased or diminished as hereinafter provided without in of work performed any way invalidating the unit bid prices. for the actual quantities given in the Proposal. It believed to be correct,

Section 685.240 Examination of Plans, Specifications, Special Provisions, Site

- shall satisfy himself as to the character, quality, and the quantities performed, materials to be furnished, and as to the work, the Proposal, Plans Specifications, and Contract forms. He of the Specifications, Special Provisions, and Contract. The submission of a Proposal shall be prima facie evidence that the The Bidder is required to examine carefully the site of the proposed Bidder has made such an examination. of work to be requirements a)
 - no claims for extra work or damages will be considered if it is found during construction that the actual soil or material conditions vary convenience of the Contractor. The information is not guaranteed, and Any information shown on the Plans as to the soil or material borings or tests of existing materials, or existing utilities is for q

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Erom those indicated by the borings.

Section 685.245 Preparation of Proposals

- The Bidder must submit his Proposal on the forms furnished by the All blank spaces in the Proposal forms must be correctly filled in where indicated for each and every item for which a quantity is given, and the Bidder must state the prices (numerals written in ink) for which he proposes to do each item of work contemplated or furnish each item of the materials required. Department.
- The Bidder must sign his Proposal correctly and in ink. If the Proposal is offered by an individual, his name, office, and post office address must be shown. If made by a firm or partnership, the business address of the president, secretary and the treasurer. Anyone signing a Proposal as agent must file legal evidence of his authority to do so, and that the signature is binding upon a firm or name, office and post office address of each member of the firm or partnership must be give; if offered by a corporation the person signing the Proposal must give the name of the State under the laws of which the corporation was chartered, and the name, titles, and the corporation. Q

Section 685.250 Rejection of Proposals

incomplete or Proposals otherwise regular which are not accompanied by a Bid Bond right to waive technicalities as to changes, alterations, or reservations and Proposals containing any omission, alterations of form, additions or conditions will be considered irregular and may be rejected. The Department reserves not called for, conditional or alternate Bids unless called for, make the award to the best interest of the Owner.

Section 685.255 Proposal Guaranty

Each Proposal shall be accompanied by a Bid Bond in the amount of not less than ten (10) per cent of the total amount bid (to the nearest multiple of \$100.00) made payable to the Owner. At the discretion of the Engineer, the Contractor will be permitted to submit a Certified Check in the amount of ten per cent of the bid in lieu of a Bid Bond.

Section 685.260 Delivery of Proposal

Each Proposal submitted shall be placed in a sealed envelope plainly marked with the project number, location of airport, and the name and address of the Bidder on the outside. When sent by mail, preferably registered, the sealed Proposal, marked as indicated above, should be enclosed in an additional envelope. No Proposal will be considered unless filed on or before the time and at the place designated in the advertisement or instructions to Bidders.

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Section 685.265 Withdrawal of Proposals

Any Bidder, upon his or his authorized representative's written request, will given permission to withdraw his Proposal not later than the time set for opening thereof. At the time of opening of the Proposals, when such Proposal is reached, it will be returned to him unread.

Section 685.270 Public Opening of Proposals

Proposals received be publicly opened and read on the date and at the hour and after the time set for the opening will be returned to the Bidder unopened. place set in the advertisement or Notice to Contractors. Proposals will

Section 685.275 Competency of Bidders

- The Department will accept the prequalification ratings and other applicable evidence of competency of the bidders as prepared by the State of Illinois, Division of Highways, to perform the work contemplated. а В
- submitted as is deemed necessary, before a rating is given, and to The Department reserves the right to make investigation of information disqualify any Contractor from bidding if considered in the best interest of the Owner. q

Section 685.280 Disqualification of Bidders

- Any one or more of the following causes may be considered as sufficient for the disqualification of Bidder and the rejection of his Bid or Bids: a)
 - More than one (1) Proposal for the same work from an individual, or different firm, partnership, or corporation under the same
- Participants in such no recognition as Bidders for any future Evidence of collusion among Bidders. may receive collusion 2)
 - Unbalanced Proposals in which the prices for some items work. 3)
- Failure to submit a unit price for each item of work for which a 4)

of proportion to the prices for other items.

- Lack of competency as revealed by the Financial Statement, bid price is required by the Proposal. 2)
- Lack of responsibility as shown by past work judged from the Experience, Plant and Equipment Statements submitted. (9
 - standpoint of workmanship and progress.
- hinder or prevent the prompt completion of additional work if Uncompleted work which, in the judgment of the Department, might 7
- For being in arrears on existing Contracts, in litigation with the Department, or having defaulted on a previous Contract 8

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the Rules governing suspension of the for not more than one (1) year; except as otherwise stipulated Suspension of Bidders. Violation of any of airport construction contracts will result in the in Section 685.280(a)(2). bidder Q)

Section 685.285 Material Guaranty

materials proposed to be used in the construction of the work, together with samples, which may be subjected to the tests provided for in the Specifications complete statement of the origin, composition or manufacture of any or all to required Before any Contract is awarded, the Bidder may be to determine their quality and fitness for the work.

Section 685.290 Requirements for Corporations Outside the State of Illinois

Before any Contract is awarded, a corporation from another state must conform to the Statutes of the State of Illinois, and will be required to furnish a certificate from the Secretary of State, State of Illinois, showing that such foreign corporation is authorized to do business in the State of Illinois.

Section 685.295 Contractual Cases Where Competitive Bidding Not Required

Competitive Bidding will not be required in the following cases:

- Where the goods or services to be procured are economically procurable one source, such as contracts for telephone service, electrical energy, and other public utility services, books, pamphlets and periodicals, and specially designed business equipment; from only а Э
 - Where the services required are for professional, technical or artistic skills; q
- In emergencies; provided that where funds are expended in an emergency by purchase, contract or otherwise, an affidavit of the person or by purchase, contract or otherwise, an affidavit of the person or persons authorizing the expenditure shall be filed with the Auditor of the State of Illinois within ten days after the said purchase or contract setting forth the conditions and circumstances requiring the emergency purchase; ĵ
- an payable personal services appropriation for personal services; expenditures for case d)
- 0r renovation, construction, involving an expenditure not to exceed \$1,500; repairs; maintenance, remodeling, for (e
 - commodities and equipment, involving an expenditure not to exceed \$1,500. Contracts for the purchase of supplies, materials, £)

SUBPART C: AWARD AND EXECUTION OF CONTRACT

Section 685.310 Consideration of Proposals

After the Proposals are opened and read, the quantities will be extended and totaled in accordance with the Bid prices of the accepted Proposals, and the totaled in accordance with the Bid prices of the accepted Proposals, and

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results of the prices will be made public. In case of discrepancy between the gross sum shown in the schedule of prices and that obtained by adding the products of the quantities of work and the unit prices, the unit prices shall govern, and any errors found in said products shall be corrected. Until the final award of the Contract, the Owner reserves the right to the Department, as Agent as aforesaid, to reject any or all Proposals, to waive technicalities and to advertise for new Proposals, or proceed to do the work otherwise when the best interest of the Owner will be promoted thereby.

Section 685.320 Award of Contract

- a) An award of Contract will not be made until the necessary investigations are made as to the responsibility of the low Bidders. Award of Contract will be made by the Department, as Agent, as aforesaid, upon the recommendation of the Engineer, to the lowest responsible Bidder considering conformity with the Specifications, quality of work, serviceability and other requirements of the Department.
- b) Award of Contract to the lowest responsible Bidder will be made within thirty (30) days after the opening of the Bids.

Section 685.330 Return of Proposal Guaranties (Bid Bonds)

As soon as the Proposal prices have been compared, the Engineer may, at his discretion, return the Bid Bonds accompanying those Proposals, which in his judgment would not be considered in making the award. When award is made, the successful Bidder's collateral only will be retained until the contract and Bonds have been executed, after which it will be returned to the Bidder. Should the award be delayed more than thirty (30) days, all Bidder's collateral will be returned unless such delay is from causes beyond the control of the Department.

Section 685.340 Requirements of Performance Bond

The Bidder, to whom the Contract is awarded at the time of the execution of the Contract, must deposit with the Department a Surety Bond in sum equal to not less than one hundred (100) per cent of the amount of the Contract awarded, aucranteeing faithful performance of the Contract. The surety shall be acceptable to the Department and shall be executed by a company licensed to do business in the State of Illinois.

Section 685.350 Requirements of Payment Bond

The Bidder to whom the Contract is awarded, at the time of the execution of the Contract must deposit with the Department a Surety Bond in sum equal to 100 per cent of the amount of the Contract awarded, quaranteeing the payment of all labor, materials, rentals, etc. The Surety shall be acceptable to the Department. The form of the Bond shall be that acceptable to the Department.

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Section 685.360 Execution of Contract

The individual, firm, partnership or corporation to whom or to which the Contract has been awarded, shall sign the necessary agreements entering into a Contract with the Owner, through its Agent, State of Illinois, Department of Aeronautics, and return them to the office of the Department within ten (10) days after the Contract is mailed.

Section 685.370 Approval of Contract

No Contract is binding upon the Owner until it has been executed, for and in behalf of the Owner, by the Department, as Agent as aforesaid, and thereupon delivered to the Contractor.

Section 685.380 Failure to Execute Contract

Pailure to execute Contract within ten (10) days after mailing as specified, or to furnish security as required shall be just cause for the annulment of the award. In the event of such annulment of the award, the amount of Proposal Guaranty shall become the property of the Owner, not as a penalty but as liquidated damages. Award may then be made to the next best qualified Bidder, or the work readvertised, or handled as the Department, as Agent, as aforesaid,

Section 685.390 Progress Schedule

- a) After the award of the contract, the Contractor shall submit to the Engineer a satisfactory progress schedule which shall show the proposed sequence of work, and how the contractor proposes to complete the various items of work within the number of working days set up in the Contract.
- b) This schedule shall be used as a basis for establishing the controlling item of construction operations and for checking the progress of the work. The controlling item shall be defined as the item which must be completed either partially or completely to permit continuation of progress and completion of the contract. It shall be the responsibility of the Contractor to show his intended rate of production for each controlling item listed on the schedule during the period such item is controlling. The order of the controlling items is subject to the approval of the Engineer. If the order of the controlling items is subject to the approval of the Engineer. If the order of the Engineer prior to change.

SUBPART D: SCOPE OF WORK

Section 685.410 Intent of Plans and Specifications

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The intent of the Plans and Specifications is to prescribe a complete work or improvement which the Contractor undertakes to do in full compliance with the Plans, the Specifications, the Special Provisions, Proposals, and Contract. The contractor shall do all work including such additional, extra, and incidental work as may be considered necessary to complete the project in a satisfactory and acceptable manner, as provided in the Plans, Proposal, and Contract. He shall furnish, unless otherwise provided in the Specifications, Special Provisions or Contract, all materials, equipment, tools, labor and incidentals necessary to prosecute the completion of the work.

Section 685.420 Special Work

Should any construction or conditions which are not thoroughly or satisfactorily stipulated or set forth by the Specifications be anticipated on any proposed project, Special Provisions for such work may be prepared and attached to the Proposal form and Contract, and shall be considered as part of the Specifications, the same as though contained fully therein.

Section 685.430 Changes and Increased or Decreased Quantities of Work

- changes shall not be considered as a waiver of any condition of the Contract nor to invalidate any of the provisions thereof. Should it as may be considered necessary or desirable to complete fully and by more than twenty-five (25) per cent, and provided that such alterations do not change the total cost of any major item, based on the total amount of the State financial participation to exceed the total state funds approved and released for application on a specific Construction Contract, without prior approval from the Governor. Such Supplemental Agreement, initiated by the Department, as Agent, as The Engineer reserves and shall have the right to make such changes, from time to time, in the Plans, the character or quantity of the work acceptably the proposed construction in a satisfactory manner, provided such alterations do not change the total cost of the project based on the originally estimated quantities and the unit prices bid, by more than twenty-five (25) per cent; and provided further that when State become necessary, for the best interest of the owner, to make changes in excess of that herein specified, the same shall be covered by funds are concerned with the alteration, such changes shall not the originally estimated quantities and the unit price bid, a)
- b) The Contractor shall not start work on any alterations requiring a Supplemental Agreement until the Agreement setting forth the adjusted prices shall be executed by the owner, through the Department, as its agent, as aforesaid, and the Contractor.
 - c) Should any of the changes, not requiring Supplemental Agreements, be made as provided herein, the Contractor shall perform the work as altered, increased or decreased at the contract unit price or prices as established by the bid or executed change order.

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I) In case a satisfactory adjustment in price cannot be reached for any item requiring a supplemental agreement, the Owner reserves the right to the Department, as its Agent, as aforesaid, to terminate the Contract as it applies to the items in question and make such arrangements as may be deemed necessary to complete the work.

Section 685.440 Omitted Items

The Engineer may, in writing, order omitted from the work any item, other tharmajor items, found unnecessary to the project and such omission shall not be a waiver of any condition of the contract nor invalidate any of the provisions thereof. Major items may be omitted by Supplemental Agreements. The Contractor will be paid for all work done toward the completion of the item prior to such omission as provided in Section 685.840.

Section 685.450 Extra Work -- Force Account

a) When work is necessary to the proper completion of the project for which no quantities or prices were given in the Proposal or Contract, the same shall be called extra work and shall be performed by the Contractor in accordance with the Specifications in a proper and workmanlike manner and as may be directed by the Engineer.

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- 1) Prices for extra work shall be itemized and covered by a Supplemental Agreement submitted by the Contractor and approved by the Department, as Agent, as aforesaid, prior to the actual starting of such work. Should the parties be unable to agree on unit prices, for the extra work, or if this method is impractical, the Engineer may instruct the Contractor to proceed with the work by day labor or force account as hereinafter provided in Section 685.850.
- Claims for extra work not authorized in writing by the engineer prior to the work being done will be rejected.

Section 685.460 Maintenance of Traffic

- when the contract provides for the maintenance of traffic on any local road or highway while undergoing improvement or relocation, such road or highway shall be kept open to all traffic by the contractor. The contractor shall also provide and maintain in a safe condition temporary approaches, crossings or intersections with roads and highways. The contractor shall bear all expense of maintaining traffic over the section of road undergoing improvement and of constructing and maintaining such approaches; crossings, intersections and any accessory features without direct compensation, except as otherwise provided.
 - b) The contractor shall take all precautions necessary to insure the safety of operating aircraft as well as his own equipment and

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personnel. Special considerations should be given to flight schedules and miscellaneous aircraft operations. The contractor shall obey all instructions as to routes to be taken by equipment traveling within the airport area and keep all such equipment marked with international orange and white flags as described by F.A.A. The contractor shall make his own estimate of all difficulties to be encountered. Equipment not actually in operation shall be kept clear of landing areas; personnel shall not enter areas of the airport where aircraft are operating without specific permission.

c) The contractor shall take all steps necessary to protect the existing runway lights and electric cables during construction to assure continuous operation of lights for airports open for night operations.

Section 685.470 Removal and Disposal of Structures and Obstructions

All structures or obstructions found on the airport and shown on the Plans which are not to remain in place or which are not to be used in the new construction shall be removed as directed by the Engineer. Unless specified in the Proposal, this work will not be paid for separately but will be included in the price bid for clearing and grubbing. All material found on the airport or removed therefrom shall be disposed of as directed by the Engineer.

Section 685.480 Use of Materials Found on the Work

- a) The Contractor, with the approval of the Engineer, may use in the construction of the airport any stone, sand or gravel found in the excavation and will be paid for the removal of such material at the contract unit price for excavation, but he shall replace with other suitable material, without compensation, all of that portion of the material so removed and used as was contemplated for use in the embankments or otherwise. If it was intended that any or all of the material so excavated and used was to have been wasted, then the Contractor will not be required to replace it.
- b) The Contractor shall not excavate any material from the airport which is not within the excavation as indicated by the slope and grade lines, without being authorized in writing by the Engineer.

Section 685.490 Final Cleaning Up

Upon completion of the work and before acceptance and final payment will be made, the Contractor shall remove from the site all machinery, equipment, surplus and discarded materials, rubbish, temporary structures, and stumps or portions of trees. He shall cut all brush and woods within the limits indicated and shall leave the site in a neat and presentable condition. Material cleared from the site and deposited on property adjacent will not be considered as having been disposed of satisfactorily.

SUBPART E: CONTROL OF THE WORK AND MATERIALS

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Section 685.510 Authority of the Engineer

The Engineer shall decide any and all questions which may arise as to the quality and acceptability of materials furnished, work performed and as to the manner of performance and rate of progress of said work. He shall decide all questions which may arise as to the interpretation of the Specifications, or Plans relating to the work, and the fulfillment of the Contract on the part of the Contractor; also all questions as to the rights of different Contractors on the project. The Engineer shall determine the amount and quality of the several kinds of work performed and materials furnished which are to be paid for under the Contract.

Section 685.520 Conformity with Plans and Allowable Deviations

Finished surfaces in all cases shall conform to the lines, grades, cross-sections, and dimensions shown on the approved Plans and Working Drawings. Any deviation from the approved Plans and Working Drawings, which may be required by the exigencies of construction, will be determined by the Engineer and authorized by him in writing.

Section 685.530 Coordination of Specifications, Plans and Special Provisions

- a) The Specifications, the Plans, Special Provisions, and all Supplementary Plans and documents are essential parts of the Contract, and a requirement occurring in one is just as binding as though occurring in all. They are intended to be complementary and as one integrated whole to describe and provide for a complete work. In case of discrepancy, figured dimensions, unless obviously incorrect, shall govern over scaled dimensions. Plans shall govern over Specifications and Special Provisions shall govern over both Plans and Specifications.
- b) The Contractor shall not take advantage of any apparent error or omission in the Plans or Specifications. In the event the Contractor discovers any apparent error or discrepancy, he shall immediately call upon the Engineer for his interpretation and decision, and such decision shall be final.

Section 685.540 Cooperation of the Contractor

- a) The Contractor will be supplied with two (2) copies of the Plans and Special Provisions. He shall have available on the work at all times one (1) copy each of said Plans, Specifications, and Special Provisions. Additional copies of Plans, Specifications and Special Provisions can be obtained by the Contractor for the cost reproduction.
 - b) The Contractor shall give to the work the constant attention necessary to facilitate the progress thereof, and he shall cooperate with the Engineer and his Inspectors and with other Contractors in every way

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Contractor shall have a competent English-speaking Superintendent on the work at all times, who is fully authorized as his agent on the understanding the Plans, Specifications and Special Provisions and shall receive and fulfill instructions from the Project Engineer, or his authorized representative. Any matter which the Contractor desires to take up with the Engineer shall in every instance, be first The Engineer shall allocate the work and designate the work, such Superintendent shall be capable of reading and thoroughly sequence of construction in case of controversy between Contractors. taken before the Resident Engineer.

Inspectors an approved weatherproof building, when specified. This space shall be not less than 10 x 12 feet, the ceiling not less than eight (8) feet in height, and there shall be at least three (3) single trailer office may be furnished in lieu of the weatherproof building, with the approval of the Engineer upon the recommendation of the Project Engineer. No direct payment will be made for this building, or trailer, or any labor, material, ground rental or other expense in connection therewith. The cost thereof shall be included in the price large enough for storing implements and testing equipment and with one (1) bracketed wall table at least three feet by six feet (3×6) in bid for the various items of the Contract. The Contractor and his building shall be located conveniently near the construction and shall The Contractor shall furnish for use of the Field Engineers Resident Engineer and Inspector to inspect the workmanship Superintendent shall provide all reasonable facilities to enable sash lighting windows. It shall be furnished with a wooden dimensions. The Contractor shall furnish heat and light. be separated from any building used by the Contractor. materials entering into the work. G

operations to avoid damage to any existing underground utilities in the area. It shall be his responsibility to consult with the Engineer The Contractor shall take special precautions during his grading to determine the approximate location of underground facilities within the limits of construction under this project. q)

Farm drain tile or other such underground construction encountered in reported to the Engineer or his authorized representatives in writing. trenching, excavation or other construction activities shall be repaired in such manner as to render the lines usable for the purpose the work but not shown on the drawings shall be located and staked and Any such drainage lines which are cut or damaged by (e

The Contractor shall take special precaution during construction to protect existing graded, turfed and sodded areas. Any such areas which are disturbed or destroyed by the Contractor, except those areas within the limits of construction, shall be regraded, returfed, or resodded to the satisfaction of the Resident Engineer. £)

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measurements necessary to the proper prosecution and control of the work included in the Contract. The Contractor shall satisfy himself as to the of all measurements before constructing any permanent structure and his own or the Contractor's guidance shall be scrupulously preserved by the employees, resulting in the destruction of such stakes or markings, an amount equal to the cost of replacing the same may be deducted from subsequent Estimates due the Contractor, at the discretion of the Project Engineer. shall not take advantage of any errors which may have been made in laying out the work. Such stakes and markings as the Resident Engineer may set for either Contractor. In case of negligence on the part of the Contractor, or The Resident Engineer will furnish the Contractor with all lines,

Section 685.560 Approval of Sources of Supply of Materials

before delivery is started. Representative preliminary samples shall be submitted by the Contractor, Producer, or the Owner of the supply for inspection or tests. The results obtained from testing such samples may be used their preparation and use. If, after trial, it is found that sources of supply, which have been approved, do not furnish a product of uniform quality, or if the product from any source proves unacceptable at any time, the The Department shall be notified as to the source of supply of each of the materials required. The source of supply shall be approved by the Engineer for preliminary approval but will not be used as a final acceptance of the materials. All materials proposed to be used may be tested at any time during Contractor shall furnish approved material from another source. Representative preliminary

Section 685.570 Approval and Acceptance of Materials

or rejection, shall be taken by the Engineer or his representative at the discretion of the Engineer. Samples of all materials for test, upon which is to be based the Materials may be sampled either prior to shipment or after being inspection and testing shall be done in accordance with the methods All sampling, construction or both. received at the place of hereinafter prescribed. authorized acceptance a)

The Contractor shall provide such facilities as the Project Engineer or his representative may require for conducting field tests, and for incorporate into the work, any materials represented by the samples until tests have been made, and the material found to be acceptable. Only materials conforming to the requirements of the Specifications and Special Provisions and which have been approved by the Engineer, or his authorized agents, shall be used in the work. Any material which, after approval has for any reason become unfit for use, shall collecting and forwarding samples. The Contractor shall not use, not be incorporated into the work. (q

Section 685.580 Cited Specifications, Samples and Tests

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- a) Except as otherwise provided, sampling and testing of all materials, and the laboratory methods and testing equipment required under the Specifications, shall be in accordance with the current edition of the A.A.S.H.O. publication "Standard Specification for Highway Materials and Methods of Sampling and Testing" in effect on the date of invitation for bids.
- b) When designated, sampling and testing of materials shall be in accordance with the current edition of the A.S.T.M. publication of Standards, adopted and in effect on the date of the invitation for
 - bids.

 C) When designated, sampling and testing materials shall be in accordance with the current editions of the "rederal Specifications," adopted and
 - The testing of samples and materials as may be desired by the Resident the Resident Engineer, or his immediate employer. Laboratory testing of samples and materials, not ordinarily performed in the field, as may be required by the Engineer, shall be made by approved testing laboratories and at the expense of the Owners unless otherwise included in the engineering contract. Such check-testing of samples and materials as the Department shall desire to make on its own shall Laboratory sieves shall The Contractor shall furnish the required samples without charge. The Contractor shall give sufficient notification of the placing of orders for materials to Engineer, or his immediate employer, shall be made at the expense of in effect on the date of the invitation for bids. be made at the expense of the Department. ... have square openings of the sizes specified. permit testing. q)

Section 685.585 Storage

Materials shall be stored so as to insure the preservation of their quality and fitness for the work. When considered necessary they shall be place on wooden platforms, or other hard, clean surfaces and not on the ground, and shall be placed under cover when directed. Stored materials shall be located so as to facilitate prompt inspection.

Section 685.590 Authority and Duties of the Resident Engineer and Inspectors

a) The Resident Engineer and Inspectors, employed by the Owner, shall be authorized to inspect all work done and all material furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication or manufacture of the materials to be used. The Project Engineer or his representatives are not authorized to revoke, alter or waive any requirements of the Specifications. He is authorized to call the attention of the Contractor to any failure of the work or materials to conform to the Specifications and Contract. He shall have the authority to reject materials or suspend the work until any questions at issue can be referred to and decided by the Engineer.

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- b) The Resident Engineer and Inspectors shall in no case act as foreman or perform other duties for the Contractor, nor interfere with the management of the work by the latter. Any advice which the Resident Engineer and Inspector may give the Contractor shall in no wise be construed as binding on the Project Engineer in any way, or releasing the Contractor from fulfilling all of the terms of the Contract.
- c) If the Contractor refuses to suspend operations on verbal order, the Resident Engineer shall issue a written order giving the reason for shutting down the work. After placing the order in the hands of the man in charge, the Resident Engineer shall immediately leave the job. Work done during the absence of the Resident Engineer or Inspector will not be accepted nor paid for.

Section 685.592 Inspection

reasonable facility for ascertaining whether or not the work, as performed or to be performed is in accordance with the requirements and intent of the The Contractor shall furnish the Engineer and the Project Engineer with every Specifications and Contract. If any of the foregoing persons so request, the Contractor at any time before acceptance of the work shall remove or uncover portions of the finished work as may be directed. After examination, the the Specifications. Should the work thus exposed or examined prove acceptable, uncovering, or removing, and the replacing of the covering or making good unacceptable, the uncovering or removing, and the replacing of the covering or making good of the parts removed, shall be at the Contractor's expense. Any work done or materials used, without suitable supervision or inspection by the Project Engineer, or his representatives may of the parts removed, will be paid for as extra work, but should the work Contractor shall restore said portions of the work to the standard required be ordered removed and replaced at the Contractor's expense. exposed or examined prove such

Section 685.595 Removal of Defective and Unauthorized Work

- if it cannot be satisfactorily repaired, be removed and replaced at the Contractor's expense. Materials not conforming to the requirements of the Specifications shall be removed immediately from the site of the work, and replaced with satisfactory material by the Contractor at his expense.
- b) Work done without lines and grades having been given, work done beyond the lines and grades shown on the Plans, or as given, except as herein provided, work done without proper inspection, or any extra or unclassified work done without written authority and prior agreement in writing as to prices, will be done at the Contractor's risk and will be considered unauthorized and, at the option of the Engineer, may not be measured and paid for and may be ordered removed and replaced at the Contractor's expense.
- c) Upon the failure of the Contractor to repair satisfactorily or to

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condemned work or materials immediately after receiving formal notice from the Engineer, the Owner may recover for such defective work or materials on the contractor's Bond or by action in a Court having proper jurisdiction over such matters, or may employ labor and equipment and satisfactorily repair or remove and replace such work and charge the cost of the same to the Contractor, which cost will be deducted from any money due him.

Section 685.598 Disputed Claims for Extra Work

Resident Engineer of his intention to make claim for such extra compensation an extra, the Contractor shall notify the Engineer in writing, via the on the part of the Contractor to give such notification or to afford the Resident Engineer proper facilities for keeping strict account of actual cost shall constitute a waiver of the claim for such extra compensation. The filing before he begins the work on which he bases the claim and shall afford the Resident Engineer every facility for keeping actual cost of the work. Failure Contractor and the keeping of costs by the Resident Engineer shall not in any way be construed to prove the validity of the claim. When the work has been completed, the Contractor shall within ten (10) days file his claim for extra compensation, via the Resident Engineer with the Engineer, who will make a determination and decision thereon and which determination and decision will be binding and final as respects all parties In case the Contractor deems extra compensation is due him for work or materials not clearly covered in the Contract, or not ordered by the Engineer of such Notice by the concerned.

SUBPART F: LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

Section 685.610 Laws to be Observed

- The Bidder is assumed to be familiar with all Federal, State and local laws, codes, ordinances and regulations which in any manner affect those engaged or employed in the work or the material or equipment used in or upon the site, or in any way affect the conduct of the work. No pleas of misunderstanding or ignorance on the part of the Contractor will, in any way, serve to modify the provisions of the
- Pederal, State, and local laws, codes, ordinances and regulations in any manner affecting the conduct of the work, and the Contractor and his Surety shall indemnify and save harmless the Owner, Department and all their officers, agents, and servants and their successors, assigns, and personal representatives against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order or decree, whether by himself or his employees.

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Section 685.615 Permits and Licenses

The Contractor shall procure all permits and licenses, pay all charges and fees, and give all Notices necessary and incidental to the due and lawful prosecution of the work.

Section 685.620 Patented Devices, Materials and Processes

If the Contractor is required or desires to use any design, device, materials, or process covered by letters patent or copyright, he shall provide for such by suitable legal agreement with the Patentee of Patent Owner. The Contractor and the Surety shall indemnify and save harmless the Owner and the Department from any and all claims for infringement by reason of the use of any such patented design, device, material, or process, or any trademark or copyright in connection with the work agreed to be performed under this Contract, and shall indemnify the Owner and the Department for any costs, expenses, and damages which they may be obliged to pay for reason of any such infringement at any time during the prosecution, or after the completion of the work.

Section 685.625 Federal Participation

Act of 1970, approved May 21, 1970, as amended (49 U.S.C. 1701 et seg.), the The above Act of Congress provides that the construction work and labor in each construction work, materials, payrolls, records of personnel, conditions of employment, invoices of material, books of account, and other relative data and his agents as may be deemed necessary to meet with above requirements when Federal funds are used, but such inspection will in no sense make the Federal Government a party to this Contract and will in no way interfere with the provisions of the Act of Congress, known as the Airport and Airway Development The attention of the Contractor is invited to the fact that pursuant to the United States Government may pay a portion of the cost of this improvement. and approval of the Federal Aviation Administration and records, therefore, will be subject to such inspection by the Administrator accordance with the rules and regulations made pursuant to said Act. State shall be done in accordance with the laws of the State subject rights of either party hereunder. inspection

Section 685.630 Sanitary Provisions

The Contractor shall provide and maintain in a neat and sanitary condition such accommodations for the use of his employees as may be necessary to comply with the requirements and regulations of the State or local Department of Health, or of other agencies having jurisdiction therewith.

Section 685.635 Public Convenience and Safety

 a) Materials stored upon the airport shall be so placed and the work shall, at all times, be so conducted as to cause no greater

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obstruction to the air and ground traffic than is considered necessary by the Engineer. No runway, taxiway or roadway shall be closed or opened except by express permission of the Engineer.

Where the Contractor is required to construct temporary crossing for accidents shall include the approaches as well as the structures of streams, culverts, ditches or trenches, his responsibility such crossings. (q

685.640 Barricades, Signs, Hazard Markings and Other Protection Section

equipment on or across landing areas shall carry FAA standard markings The Contractor shall provide, erect and maintain all necessary barricades, signs, danger signals and lights for the protection of the work and the safety of the public for both land and air traffic. Before closing or tearing up existing runways or taxiways, warning signs for air traffic shall be placed at such locations and be visible from the air. An airport or runway closed because of construction or other activities or hazards shall have appropriate FAA standard of Contractor's vehicles or or flags. Roadways closed to traffic shall be protected by effective barricades, and signs and obstructions shall be illuminated at night. Suitable warning signs, illuminated at night by electric flares, shall markings and lights. Any movement be provided. a)

Failure to comply with this requirement will result in or the Engineer's whichever may deem it The Contractor shall furnish watchmen in sufficient numbers to protect necessary, shutting down the work until the Contractor shall have provided the necessary protection. Engineer's, the Resident any new work. q

The Contractor shall at his own expense repair all damage done to the work before it is opened for traffic and shall be responsible for prosecution of the offender under the provision of the State laws. ο

685.645 Use of Explosive Section

- or property, and whenever directed, the number and size of the use of explosives is necessary for the prosecution of the work, the Contractor shall use the utmost care so as not to endanger may damage his or their property on, along, or adjacent to the individual at least eight (8) hours in advance of any blasting representatives of any public service corporation, any company charges shall be reduced. The Contractor shall notify the a)
 - All explosives shall be stored in a secure manner and all storage places shall be marked clearly "DANGEROUS EXPLOSIVES" and shall be in care of competent watchmen at all times. Q

Section 685.650 Protection and Restoration of Property

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- monuments, underground structures, etc., on and adjacent to the without first obtaining permission, and he shall be responsible for the preservation of all public and private property, trees, fences, airport and shall use every precaution necessary to prevent damage The Contractor shall not enter upon private property for any injury thereto. a)
- He shall use suitable precautions to prevent damage to any public or private property and he shall protect carefully, from disturbance or damage, all land monuments and property marks until an authorized agent has witnessed or otherwise referenced their location, and shall not remove them until directed. q
- his or materials, and said responsibility shall not be released until the work shall have been completed and accepted. be responsible for all damage or injury to property of non-execution of said work, or at any time due to defective work character resulting from any act, omission, neglect or misconduct his manner or method of executing said work, or due to G
- When or where any direct or indirect damage or injury is done to public or private property by or on account of any act, omission, repairing, rebuilding, or otherwise restoring, as may be directed or he shall make good such damage or injury in an acceptable manner. neglect, or misconduct in the execution of the work, or in consequence of the non-execution thereof on the part of the Contractor, he shall restore, at his own expense, such property to a condition similar or equal to that existing before such damage or injury was d)
- underway outside and within the construction limits of this project at the same contracts may be time the work hereunder is being performed. Other work under separate construction (e
 - The Contractor for this project shall cooperate with the other contractors on the site in every way possible. In the event of any disputes or misunderstanding among the contractors, the matter shall be called to the attention of the Engineer, whose decision will be f)

Section 685.655 Responsibility for Damage Claims

the said contractor or its employees or by or in consequence of any neglect in safeguarding the work, or through the use of unacceptable materials in assigns, and personal representatives from all suits, actions or claims of any damages received or sustained by any person, persons, or property, by or from or misconduct of the said Contractor or by or on account of any claims or amounts Surety shall indemnify and save harmless the Owner, Department and all their officers, agents, and servants and their successors, recovered under the Workers' Compensation Act (Ill. Rev. Stat. 1981, ch. 48, pars. 138.1 et seq.) or any other law, character, name and description brought for or on account of any injuries constructing the work or by or on account of any act or omission, neglect recovered by any infringement of patent, trademark or copyright, claims or amounts arising or The Contractor and his

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ordinance, order or decree, and so much of the money due the said Contractor under and by virtue of his Contract, as shall be considered necessary by the Department, as Agent, as aforesaid, may be retained or in case no money is due, his Surety shall be held until such suit or suits, action or actions, claims or claims for injuries or damages as aforesaid shall have been settled and satisfactory evidence to that effect furnished to the Department, as Agent, as aforesaid.

Section 685.660 Opening of Section of Airport to Traffic

Whenever, in the opinion of the Engineer, any pavement or structure is in acceptable condition, it may be opened to traffic upon the written order of the Engineer. The opening of any pavement shall be held as an acceptance of said pavement, but shall not be considered as a waiver of any of the provisions of the Special Provisions, or Contract. Pending final completion and acceptance of the work, all necessary repairs and renewals on any section of the pavement so opened due to defective material or work, to natural causes other than ordinary wear and tear, or to the operations of the Contractor, shall be performed by and at the expense of the Contractor.

Section 685.665 Contractor's Responsibility for Work

Until acceptance by the Department, as Agent, as aforesaid, of any part or all of the construction, as provided for in the Specifications, it shall be under the charge and care of the Contractor and he shall take every necessary precaution against injury or damage to any part of the work by the action of the elements or from any other cause whatsoever, whether arising from the execution or from the non-execution of the work. The Contractor shall rebuild, repair, restore and make good, at his own expense, all injuries or damage to any portion of the work occasioned by any of the above causes before its completion and acceptance.

Section 685.670 Personal Liability of Public Officials

In carrying out any of the above provisions or in exercising any power or authority granted to him by this Contract, there shall be no liability upon said Engineer or his authorized assistants, either personally or as an official of the Department, it being understood that in such matters he acts as an agent and representative of the Department.

Section 685.675 No Waiver of Legal Rights

Inspection by the Engineer or by any of his duly authorized representatives; any order, measurement or certificate by the Engineer; any order by the Department for the payment of money; any payment for or acceptance of any work or any extension of time; or any possession taken by the Department shall not operate as a waiver of any provision of the Contract, or any power therein preserved to the

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Owner and the Department, as Agent, as aforesaid, or of any right to damages therein provided. Any waiver of any breach of the Contract shall not be held to be a waiver of any other or subsequent breach.

aforesaid, to correct any error that may be discovered in any Estimate that may have been paid, and to adjust the same to meet the requirements of the Contract and Specifications. The Owner reserves the right to the Department, as Agent, as aforesaid, to claim and recover by process of Law, sums as may be sufficient to correct any error or make good any deficit in the work resulting from such error, dishonesty or collusion, upon conclusive proof of collusion or dishonesty between the Contractor or his agents and the Engineer or his assistants discovered in the work after the final payment has been made.

Section 685.680 Right-of-Way

The Owner will secure all necessary property, right of entry for off-site work or other permits, not required from the Contractor, necessary for construction.

Section 685.685 Insurance

- a) The Contractor will be required to maintain adequate compensation insurance for all of his employees who will be engaged in work at the site of the project (and if any part of the Contractor's contract is sublet, the Contractor will require his Subcontractor's employees who will be so engaged, unless the latter's employees are protected by the prime Contractor's insurance).
- b) The Contractor will be required to maintain adequate public liability and property damage insurance to protect him and all of his Subcontractors from claims for damages for personal injury, accidental death, or injury or damage to property, which may arise from operations under the Contract whether such operations be carried on by the Contractor or by any Subcontractor or by any subcontractor or by any one directly or indirectly employed by either of them.

Section 685.690 Air Pollution

The Contractor shall use suitable precautions to minimize air pollution during the progress of the work. To this end, unpayed haul roads shall be sprinkled as necessary to prevent dust diffusion. Aggregate bins, cement bins, and dry material batch trucks shall be properly covered to prevent loss of material. Quarrying, batching, and mixing operations shall be properly controlled to minimize the spreading of dust.

SUBPART G: PROSECUTION AND PROGRESS

Section 685.710 Assignment of Contracts and Claims

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part hereof of any interest herein or any monies due or to become due hereunder without the prior written consent of the public agency, as defined under Section 685.10(11). The consent to any assignment or transfer shall not any of his or its obligations under this Contract or the Performance Bond. Nothing herein contained shall be construed to hinder, prevent or affect an assignment of monies due or to become due hereunder made for the benefit of the Contractor's Contractor shall not assign nor otherwise transfer this Contract or any operate to relieve the Contractor or his Sureties of creditors pursuant to law.

Section 685.720 Prosecution of Work

The Contractor shall notify the Project Engineer at least twenty-four (24) hours in advance of the time he intends to start. The Contractor shall operate at such points as the Engineer may direct. The contractor shall conduct the The Contractor shall begin the work to be performed under the Contract within work in such a manner and with sufficient materials, equipment and labor as is considered necessary to insure its completion within the time limit set forth in the Proposal. Should the prosecution of work for any reason be discontinued the Engineer, he shall notify the ten (10) days of the date set by the Engineer in the written Notice to Proceed. by the Contractor, with the consent of the Engineer, he shall notify Engineer at least twenty-four (24) hours in advance of resuming operations.

Section 685.730 Limitation of Operation

prosecuted to completion without delay and in no instance will the Contractor be permitted to transfer his forces from uncompleted work to new work without grading work, the drainage structures when designated shall be completed in sufficient time in advance of the grading. Each item of work shall be the permission of the Resident Engineer. The Contractor shall not open up work to the prejudice of work already started.

Section 685.740 Character of Workmen and Equipment

- neglects or refuses to comply with the directions given, and such The Contractor shall employ such Superintendents, Foremen, and Workmen as are careful and competent, and the Engineer may demand the about or upon the work who shall misconduct himself or be incompetent or negligent in the proper performance of his or their duties, or written consent to the Engineer. Should the Contractor continue to employ or again employ such person or persons, the Engineer may withhold all Estimates, which are or may become due, or the Engineer dismissal of any person or persons employed by the Contractor person or persons shall not be employed again thereon without may suspend the work until such orders are complied with. а Э
 - All workmen must have sufficient skill and experience to properly perform the work assigned them. All workmen engaged on special work or skilled work, such as bituminous courses or mixtures, concrete Q

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to execute structures, electrical installation, turfing and planting, or in any trade, shall have sufficient experience in such and satisfactorily perform it and operate the the work in the manner prescribed in the Specifications and Special Otherwise the Engineer may take action as involved, and shall make due and proper effort work to properly or prescribed. pavements equipment

- conditions being equal, first to veterans as ordered in Airport and fide residents of the county wherein the work is being done, but no other preference or discrimination among citizens of the United States the employment of labor, preference shall be given, other Airway Development Act of 1970 (49 U.S.C 1722(c)) and second to bona shall be made, except as may be required by special labor provisions. ς c
 - for the prosecution of the work in an acceptable manner and at a satisfactory rate of progress. All equipment, tools and machinery Equipment used on any portion of the work shall be such that no injury be subject to the approval of the Engineer and the Project Engineer to the work, runways, adjacent property or other objects will result The Contractor shall furnish such equipment as is considered necessary used for handling materials and executing any part of the work shall be maintained in a satisfactory working condition. from its use. and shall q
 - No convict labor shall be employed. e

Section 685.750 Temporary Suspension of Work

- unsuitable weather or such other conditions as are considered unfavorable for the suitable prosecution of the work, or for such time carry out orders given or perform any or all provisions of the The Engineer shall have the authority to suspend the work wholly, in part, for such period or periods as he may deem necessary, due as is necessary, due to the failure on the part of the Contractor Contract.
- If it should become necessary to stop work for an indefinite period, not become an obstruction, nor become damaged in any way, and he shall performed, provide suitable drainage by opening ditches, shoulder the Contractor shall store all materials in such manner that they will take every precaution to prevent damage or deterioration of drains, etc., and erect temporary structures where necessary. q
- The Contractor shall not suspend the work without written authority, from the Engineer, and shall proceed with the work promptly when notified by the Engineer to resume operations. G

Section 685.760 Determination and Extension of Contract Time for Completion

perform fully, entirely, and in a satisfactory and acceptable manner the work contracted, within the number of working days, stipulated in the Proposal and the Contract. Time will The Contractor shall a)

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reasons which he believes justify the granting of his request. If the Department finds that the work is delayed because of conditions beyond for completion, make written request to the Department for an time for completion shall then be considered as in full force and be assessed against the Contractor beginning with the actual date the work is started when this is in accordance with the Notice to Proceed. Contractor finds it impossible to complete the work on or before the time for completion specified in the Contract, he may, not less than ten (10) days prior to the expiration of the stipulated time extension of time. He shall set forth fully in his request the the control of the Contractor, or that the quantities of work done or be done are in excess of the estimated quantities by an amount sufficient to warrant additional time, it may grant an extension of time for completion as appears reasonable and proper. The extended effect, the same as if it were the original time for completion. to Q q

If the Contractor does not begin the work within the limit as designated in the Notice to Proceed, the working days shall start on has no control as determined by the Engineer, also any suspensions completion of the work. If the satisfactory execution and completion time shall automatically be increased in the same proportion as the as stated in the Notice to Proceed. In adjusting the Contract time for the completion of the project, all strikes, lockouts, unusual delays in transportation, or any condition over which the Contractor ordered by the Engineer for causes not the fault of the Contractor; shall be excluded from the computation of the contract time for of the Contract shall require work or materials in greater amounts or quantities than those set forth in the Contract; then the Contract the first working day after the expiration of the ten (10) day limit cost of the additional work bears to the original work contracted for. No allowances will be made for delays or suspensions of prosecution of the work due to the fault of the Contractor. c)

such statement will be promptly submitted to the Contractor for his submit his objection within seven (7) days, specifying the days he The Engineer will prepare for each Estimate a statement of the working Contract and the working days remaining under the Contract. Copies of The Contractor shall sign the statement or should be allowed, or the Engineer's statement will be accepted as days charged during the period; the working days allowed in the approval and signature. q)

Section 685.770 Failure to Complete Work

additional work or materials ordered after the Contract is signed, the sum per day as found in Table A shall be deducted from any monies due after the expiration of the time allowed for completion of the work stipulated in the Contract or as automatically increased by the Contractor, or if no money is due the Contractor, the For each working day that any part of the work remains a)

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from the Surety or from both. The amount of these deductions is to cover liquidated damages to the Department and/or the Owner incurred by additional and other expenses due to the failure of the Contractor or any part of the work within the time shall have the right to recover said sum or sums from the Contractor, specified, and such deductions are not to be considered as penalties. complete the work to t

due the Contractor as liquidated damages for the loss to the Owner and Department on account of the expense due to the employment of engineers and their assistants and to any other expenses after the The damages stipulated in Table A are to be deducted from expiration of completion time set forth by the Engineer. (q

Section 685.780 Adjustment for Suspended Work

of the Owner, shall take the claim under consideration and may make such be considered. The Contractor shall submit with his claim substantiating papers covering the entire amount shown on the claim. The Department, as Agent investigations as are deemed necessary, and shall be the sole judge as to the provision of this article shall be construed as entitling the Contractor to during the period of shut down. No allowance will be made for anticipated profits. The period of shut down shall be computed from the date set out in written order for work to cease until the date of the order for work to resume. Surety, for suspension made at the request of the Contractors, or for any other delay provided for in the Specifications, Special Provisions, Proposal, the event the Contractor is ordered by the Engineer, in writing, to suspend work for some unforeseen cause not provided for in the Specifications, Special Provisions, Proposal, Contract, or Work Order and over which the Contractor has control, the contractor may be reimbursed for actual money expended on the the Department within ten (10) days after date of order to resume work or such claims will not compensation for delays due to inclement weather, delays due to failure equitability of such claim and such decision shall be final and binding. Claims for such compensation shall be filed in writing with Contract, or Work Order.

Section 685.790 Termination of Contract

- The Contract, of which the Specifications, the Special Provisions and these Rules form a part, may be terminated by the Department, Agent, as aforesaid, for the following reasons: a)
- Failure of the Contractor to start the work on the date given in 7
 - the Notice to Proceed.
- the work within the being made by the progress complete Contractor is insufficient to Substantial evidence that specified time. 2)
- and Deliberate failure on the part of the Contractor to observe requirements of the Specifications, the Special Provisions these Rules. 3
- defects Failure of the Contractor promptly to make good any 4)

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defects of any other nature, the Substantial evidence of collusion for the purpose of illegally procuring a Contract or perpetrating fraud on the Owner or the correction of which has been directed in writing by the Engineer. Department in the construction of work under Contract. materials or work or any 2

The contract may be terminated by the Owner if the Contractor fails to provide adequate equipment for the work.

first be notified in writing by the Engineer of the conditions which has not been made by the Contractor or his Surety to correct the conditions, ten (10) days after this notice is given, the Department as Agent, as aforesaid, may declare the Contract terminated and notify If a satisfactory effort Before the Contract is terminated, the Contractor and his Surety will make termination of the Contract imminent. the Contractor and his Surety accordingly. (q

operations. The Engineer may than proceed with the work in any lawful manner that he may elect, until it is finally completed. Upon receipt of notice from the Department that the Contract has been Contractor shall immediately discontinue the terminated, ô

The right is reserved to take possession of any machinery, implements, tools, or materials of any description that shall be found upon the work, to account for said equipment and materials, and to use the same to complete the project. When the work is thus finally completed, the total cost of the same will be computed. If the total cost is more than the contract price, the difference shall be made up either by the Contractor or his Surety. If the total cost is less than the contract all expenses incident to ascertaining and collecting losses under the Contract Bond, including engineering price, the difference will be paid to the Contractor or his legal services, shall be assessed against the Contract Bond. case of termination, (p

Section 685.795 Procedure for Completion of Seasonal Work

satisfactory completion of turfing and planting items requiring specific seasonal or climatic conditions for starting and involving The following procedure will be followed to insure the fair and various lengths of time for completion over which the Contractor and follows: Not less than two (2) months nor more than twelve (12) Department have no control. This period of time will be limited months from the time of satisfactory completion and acceptance of other items of the Contract. <u>ه</u>

685.860 percent on items of a contract once a Semifinal or Final inspection is made by the sponsoring agencies and the five (5) percent retainage is determined sufficient to cover the correction of any deficient item. This five (5) percent retainage will be withheld until the Contractor equivalent to ten (10) percent of monies due for work All monies will be withheld for units not The ten (10) percent retainage can be reduced to five (5) completed will be withheld under provisions of Section (Partial Payment). completed. An amount G

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has submitted be necessary, and information, as determined by the Department to deficiency(s) closing out a construction contract. item any corrected

Section 685,798 Fulfillment of Contract

to the Department his or its acceptance of the work, and after the Engineer has made his final inspection and has been satisfied that all lien and claims against the Contractor for labor, services and materials have been fully The Contractor will them be released from further obligation except as by the Owner in connection with the design and execution of the project and he or it has certified in writing to the Owner and settled and paid, and the Department has thereafter signified in writing to the The Contract will be considered fulfilled when all the work has been completed, and the final inspection has been made by the consulting engineer or consulting Contractor, its acceptance, as Agent of and in behalf of the Owner, of may be required by law and by his Surety. engineering firm retained

SUBPART H: MEASUREMENT AND PAYMENT

Section 685.810 Measurement of Quantities

by the Engineer and based on measurements taken by the Resident Engineer. These measurements will be taken according to the United States Standard Measure. All surface and linear measurements terms of the Contract or as directed by the Engineer in writing will specified. Structures shall be measured to the neat lines as shown on The determination of quantities of work acceptably completed under the will be taken horizontally unless otherwise shown on Plans the Plans, or as ordered in writing by the Engineer.

When the base course, topsoil surface course or any materials are measured by the cubic yard in the vehicle, such measurement shall be taken at the point of delivery. The capacity of all vehicles shall be be changed without permission of the Engineer. The Engineer may plainly marked on said vehicle and the capacity or marking shall equire all vehicles to have uniform capacity. Q

Section 685.820 Scope of Payment

elements, or from any unforeseen difficulties which may be encountered elements, or Irom any universely description acceptance by the during the prosecution of the work until the final acceptance by the Engineer, and for all risks of every description connected with the full payment for furnishing all materials, equipment, labor, tools and incidentals necessary to complete the work, and for performing all damage arising from the nature of work, or from the action of the prosecution of the work, for all expenses incurred in consequence The Contractor shall accept the compensation, as herein provided, work contemplated and embraced under the Contract, also for loss a)

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the suspension or discontinuance of the work as herein specified, and for any infringement of patent, trademark, or copyright; and for completing the work according to the Plans, Specifications, and the several contract documents. Weither the payment of any Estimate nor of any retained percentage shall relieve the Contractor of any obligation to make good any defective work or material.

By No monies, payable under Contract, or any part thereof, except the Estimate for the first month or period, shall become due and payable if the Department so elects, until the Contractor shall satisfy the said Department that he has fully settled or paid for all materials and equipment used in or upon the work and labor done in connection therewith, and the Department, in its own right and (or) as Agent, as aforesaid, if it so elects, may pay any or all such bills, wholly or in part and deduct the amount or amounts so paid from any monthly or final Estimate, excepting the first Estimate.

c) In the event the Surety on any Contract or Payment Bond given by the Contractor becomes insolvent, or is placed in the hands of a Receiver, or has its right to do business in the State of Illinois revoked as provided by law, the Department, in its own right and (or) as Agent, as aforesaid, at its election will withhold payment of any Estimate filed or approved by the Project Engineer until the Contractor shall give a good and sufficient Bond in lieu of the Bond so executed by such Surety.

Section 685.830 Payment for Increased or Decreased Quantities

When alterations in the Plans or quantities of work not requiring Supplemental Agreements as hereinbefore provided for, are ordered and performed, the Contractor shall accept payment in full at the contact price for the actual quantities of work done. No allowance will be made for anticipated profits. Increased or decreased work involving Supplemental Agreements will be paid for as stipulated in such Agreements.

Section 685.840 Payment for Omitted Items

As provided in Section 685.440, the Engineer shall have the right to cancel or alter the portions of the Contract relating to the construction of any item or items therein by the payment to the Contractor of a fair and equitable amount covering all items of cost incurred prior to the date of cancellation, alleration, or suspension of the work by order of the Engineer. The Contractor shall accept payment in full at the contract unit prices for any work actually performed prior to the date of cancellation, alteration, or suspension of the work by order of the Engineer. No allowance will be made for anticipated profits in reimbursements to the Contractor for omitted items of work. Acceptable materials ordered by the Contractor or delivered on the work prior to the date of cancellation, alteration or suspension of the work by order of the Engineer, will be paid for at the actual cost to the Contractor and shall thereupon become the property of the Owner. The Contractor shall submit

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immediately certified statements covering all money expended in preparation for any omitted item, and he shall be reimbursed for any money expended in preparation for work on any omitted item when such preparation has no value to the remaining items of the Contract, or for a proportionate amount based on the total contract price over which such preparation would ordinarily be distributed when other items are included in such preparation.

Section 685.850 Payment for Extra and Force Account Work

- All extra work done on a force account basis will be paid for in the manner hereinafter described, and the compensation thus provided shall be accepted by the Contractor as payment in full for the use of small tools, Superintendent's services, Timekeeper's services, Premium on Bond, and all other overhead expenses incurred in the prosecution of all extra work done on a force account basis. Payment will be made as follows:
 - 1) For all materials purchased by the Contractor and used in this specific work, he will receive the actual cost of such materials, including freight charges, as shown by original receipted bills for materials and freight, to which will be added an amount equal to fifteen (15) per cent of the sum thereof, subject to the provisions stipulated in Section 685.450.
- the Contractor will receive the wage prevailing and paid on the project for each and every hour that said labor and foremen are project for each and every hour that said labor and foremen are actually engaged in such work, to which will be added an amount equal to fifteen (15) per cent of the sum thereof, subject to the provisions stipulated in Section 685.450. In addition, the Contractor shall be paid a sum equal to the Worker's Compensation Insurance Premium and the actual cost of Social Security Taxes, computed on the base rate for the class of work involved, for the actual amount of the payroll.
 - 3) For any machine, power and equipment which it may be deemed necessary or desirable to use, the Contractor will be allowed a reasonable rental price, which will be agreed upon in writing before such work is begun for each and every hour that said machinery or equipment is in use on such work, to which sum no percentage will be added.
- b) The Contractor's Timekeeper and the Resident Engineer shall compare records of extra work on a force account basis at the end of each day. Copies of these records shall be made in duplicate by the Resident Engineer and shall be signed by both the Resident Engineer and the Contractor's Timekeeper, one (1) copy being forwarded respectively to the Engineer and the Contractor.
- No extra work will be paid for unless unit prices or wages have been agreed upon in writing before such work is started.
 - d) Bills for force account work must be sworn to and submitted in triplicate to the Engineer with the current monthly Estimate.

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Section 685,860 Partial Payment

the entire Contract in an acceptable manner, and the balance of the sum longer periods as mutually agreed upon. No Estimates, except Final Estimates, will be made for a sum less than Five Hundred Dollars Estimates of the materials complete in place and the amount of work performed in accordance with the Contract during the current period of contract unit prices. From the total of the Estimate so ascertained will be deducted an amount equivalent to ten (10) per cent of the whole, to be equivalent to ninety (90) per cent of the whole, shall be certified by Estimates will be made monthly or for such (\$500.00). The Estimates will be approximate only and all partial or monthly Estimates and payments shall be subject to correction in the The Project Engineer will make and furnish to the Department time between Estimates and the value thereof figured at the retained by the Department until after the completion of an error Estimate rendered following discovery of the Engineer for payment. estimates.

Should any defective work or material be discovered, or should a reasonable doubt arise as to the integrity of any part of the work completed previous to the final acceptance and payment, there will be deducted from the first Estimate rendered after the discovery of such work an amount equal in value to the defective or questioned work, and this work will not be included in a subsequent Estimate until the defects have been remedied or the causes for doubt removed. q

Section 685.870 Acceptance and Final Payment

a final inspection must be made by the consulting engineer or consulting engineering firm retained by the Owner in connection with the design and execution of the project and his or its acceptance of the work certified to the Owner and to the Department, and a final inspection must, within a reasonable time, after such certification to it, be made by the Engineer, to determine whether the work has been completed in accordance with the Contract, Plans and Specifications. All prior partial Estimates and payments shall be subject to correction in the Final Estimate and payment. Upon certification by services, equipment, materials and incidentals have been fully settled and paid, the work will be considered accepted and the final Estimate shall be been deducted or retained under the provisions of this Contract, will be paid Within five (5) after the completion of any Contract and before final the Engineer to the Department that the work has been fully and satisfactorily executed and submitted. The amount of this Estimate, less any sums that have completed and that all liens and claims against the Contractor for labor, to the Contractor as soon as practical after the final acceptance. acceptance,

Section 685.880 Payment for Stock Pile Material

At the direction of the Engineer, payment may be made for material stock piled

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stored on the project site. No payment will be made for stock piled material on the project site. Payment will be made on the basis of invoices submitted by the Contractor and a written statement from the Resident Engineer that he has inspected all material covered by the invoices and that said materials are after acceptance of the project.

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A Contract Requirements For Airport Development Aid 685.APPENDIX Program Projects Section

necessary to insure accomplishment of the work involved in accordance with project shall specifically include, in addition to such other provisions as may (or revisions construction contracts entered into by a sponsor with respect to Grant Agreement for such project, the following provisions thereof approved in advance by the FAA): the pe

into between (Name of Sponsor) and the United States, under the Airport Development Aid Program (91 U.S.C. H.R. 14465) and (14 CFR 152) of the regulations of the Federal Aviation Administration, pursuant to which Agreement the United States has under and in said Project that are determined to be allowable project costs under The work in this contract is included in Airport Development Aid entered offered and agreed to pay a certain percentage of the costs of the Any reference in this granted to the FAA or any representative thereof or the United States by this contract shall in no sense make, or be construed as making, (Name of Sponsor) under and contract to the FAA or any representative thereof, or any accordance with the terms and conditions of a Grant Agreement said Airport Development Aid Program. the United States a party to this contract. Program Project No. accomplished by

to any proposed assignment contractor shall obtain the prior written consent interest in or part of this contract. (Name of Sponsor)

(50 U.S.C 511(1)) and have been honorably discharged from such service, except that such preference shall be given only where such labor is available locally and is qualified to perform the work to supervisory positions), preference shall be given to qualified individuals who have served in the military service of the United of 1940 the employment of labor (except in executive, administrative, and States (as defined in the Soldiers' and Sailors' Relief Act No convict labor shall be employed under this contract. which the employment relates. In

exist between the contractor or succontractor. mechanics; and the wage determination decision(s) shall be posted by All mechanics and laborers, employed or working upon the site of the week, and without subsequent deduction or rebate on any account amounts due at time of payment computed at wage rates not less than regardless of any contractual relationship which may be alleged to shall be paid unconditionally and not less often than once a (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR 3)), the full those contained in the wage determination decision(s) of the Secretary of Labor which is (are) attached hereto and made a part hereof, (they) can be easily seen by the workers. work

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- the Federal Aviation Administration may, after written notice to the so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract. In the event failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, (Name of Sponsor) , take such action as may be necessary to cause the suspension of any further payment or advance of Pursuant to the terms of the Grant Agreement between the United States , relating to Airport of the regulations of the Federal Aviation Administration, the Federal Aviation Administration may withhold or cause to be withheld from the , and 14 CFR funds until such violations have ceased. (Name of Sponsor) Development Aid Program Project No. (Name of Sponsor) 9
 - or not payments or advances to the (Name of are withheld or suspended by the Federal Aviation withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay the work the full amount of wages required by this contract; and any laborer or mechanic employed or working on the site of the written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment or advance of funds laborers and mechanics employed by the contractor or any subcontractor (b) in the event of failure of the contractor or any subcontractor work all or part of the wages required by this contract (Name of Sponsor) Administration, the Whether Sponsor)
- mechanics working at the site of the work. Such records will contain deductions made and actual wages paid. The contractor will submit weekly a certified copy of all payrolls to the (Name of Sponsor). The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are Federal Aviation Administration and the Department of Labor and will Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and less than the minimum rates determined by the Secretary of Labor in this contract, and that the classification set forth for each laborer or mechanic The contractor will make his by authorized permit such representatives to interview employees during working classification, rate of pay, daily and weekly number of hours worked, each such employee, his (Name of Sponsor) inspection for the employees in question, as prescribed for conforms to the work he performed. available until such violations have ceased. of address representatives of the records the name and not . 80
- apprenticeship program registered with a State Apprenticeship Council bona fide Apprentices will be permitted to work only under a hours on the job. 6

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Department of Labor; or if no such recognized council exists in the state, under a program registered with the Bureau of Apprenticeship which is recognized by the Federal Committee on Apprenticeship, U.S. and Training, U.S. Department of Labor.

The contractor will comply with the regulations applicable to contractors and subcontractors (29 CFR 3) issued by the Secretary of contractors and subcontractors (29 CFR 3) issued by the Secretary of Labor pursuant to the Copeland Act, as amended (48 Stat. 948; 62 Stat. 862; 63 Stat. 108; 72 Stat. 967; 40 U.S.C. 276c), and any amendments subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all tolerances, and exemptions from the variations, requirements thereof. limitations, 10.

Duly authorized representatives of the Federal Aviation Administration shall be permitted to inspect and review all work and materials used in the performance of this contract. 11.

The contractor will insert in each of his subcontracts the provisions set forth in paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13, hereof. 12.

A breach of paragraphs 5 through 12 may be grounds for termination of this contract. 13.

In connection with the performance of work under this contract, the origin, or ancestry. The aforesaid provision shall include, but not further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw agrees not to discriminate against any employee or applicant for employment because of race, religion, color, national The contractor be limited to, the following: Employment, upgrading, demotion, recruitment advertising; layoff termination; rates of pay or other forms of compensation; including apprenticeship. or selection for training, recruitment contractor transfer; materials. 14.

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Schedule of Deductions For Each Day of Overrun in Contract Section 685.TABLE A

Day of Overrun in Contract Time Schedule of Deductions for Each

Daily Charge	Work	\$ 42 105 140 210 210 280 420 700 1,400 2,800 3,500 4,20	4,900 5,600
Original Contract Amount	To and Including	\$ 25,000 100,000 100,000 1,000,000 2,000,000 3,000,000 5,000,000 10,000,000 10,000,000 20,000,000 25,000,000 30,000,000	35,000,000 35,000,000
Original Con	From More Than	\$ 25,000 100,000 1,000,000 2,000,000 3,000,000 7,500,000 10,000,000 15,000,000 25,000,000 25,000,000	30,000,000 Over

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- Highway Construction By Contract Heading of the Part: 7
- 44 Ill. Adm. Code 675 Code Citation: 2)
- Proposed Action: Repeal Section Numbers: 675.100 675.110 675.250 575.120 575.210 675.220 575.230 575.240 575.270 575.280 575.290 675.70 575.90 675.20 675.30 575.40 575.50 675.60 575.80 3)
- Formerly the Illinois Purchasing Act [30 ILCS 505] Repeal Statutory Authority: 675.295 4)
- A Complete Description of the Subjects and Issues Involved: This Part was replaced by the Illinois The Department recently adopted administrative rules (See Contract Procurement; 44 Ill. Adm. Code 660) that provide for the procurement practices of the Department formerly promulgated pursuant to the Illinois Purchasing Act [formerly Purchasing Act was repealed and Procurement Code (the Code) [30 ILCS 500]. covered by this Part. The 505]. 2)
- Will this proposed rulemaking replace an emergency rule currently effect? (9
- No Does this rulemaking contain an automatic repeal date? 7
- No Does this proposed repealer contain incorporations by reference? 8
- Are there any other proposed amendments pending on this Part? 6
- Statement of Statewide Policy Objectives: This rulemaking will not affect 10)

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units of local government or not-for-profit corporations.

Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with: 11)

Illinois Department of Transportation Mr. Jon Tweedt, Deputy Chief Counsel Springfield, Illinois 62764 2300 South Dirksen Parkway (217) 785-3215 Room 311

þe JCAR requests, comments and concerns regarding this rulemaking should addressed to:

Christine Caronna-Beard, Rules Manager Illinois Department of Transportation Springfield, Illinois 62764 2300 South Dirksen Parkway (217) 782-3215 Room 311

Comments received within forty-five days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

Initial Regulatory Flexibility Analysis: 12)

- small municipalities and not for profit businesses, corporations affected: None A)
- compliance: Reporting, bookkeeping or other procedures required for B)
- Types of professional skills necessary for compliance: None ΰ
- Regulatory Agenda on which this rulemaking was summarized: January 1999 13)

The full text of the Proposed Repealer begins on the next page:

NOTICE OF PROPOSED REPEALER

GOVERNMENT CONTRACTS, PROCUREMENT AND SUPPLEMENTAL PROCUREMENT RULES DEPARTMENT OF TRANSPORTATION PROPERTY MANAGEMENT CHAPTER IX: SUBTITLE B: TITLE 44:

HIGHWAY CONSTRUCTION BY CONTRACT (REPEALED) PART 675

SUBPART A: GENERAL RULES GOVERNING BIDDING AND AWARDS OF HIGHWAY CONSTRUCTION CONTRACTS

Section

Standard Specifications for Road and Bridge Construction Bidders' Ownership, Officers and Directors Notice to Bidders and Advertisement Prequalification of Bidders Preparation of the Proposal Contents of Proposal Forms Delivery of Proposals Official Newspaper Award of Contract Service Bulletin 675.100 675.50 675.80 675,110 675.10 675.30 675.40 675.60 675.70 675.90

SUBPART B: STANDARDS AND PROCEDURES GOVERNING THE SUSPENSION OF CONTRACTORS

Public Opening of Proposals

Additional Work

575.120

Causes for Suspension Notice and Hearings Definitions Suspension Purpose Section 575.210 575.220 575.230 575.240 575.250

Scope of Determination Effective Date Determination Severability 575.270 575.280 575.290 575.295

Hearing Procedures

575.260

AUTHORITY: Implementing Section 5 of The Illinois Purchasing Act [30 ILCS [30 ILCS 550/1] and Section 4-201.4 of the Illinois Highway Code [605 ILCS 5/4-201.4] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5 of the Illinois Purchasing Act [30 ILCS 505/5]. 505/5], Section 1 of the Public Construction Bond Act

SOURCE: Amended April 1, 1974; amended at 7 Ill. Reg. 7322, effective June 1, 1983; codified at 8 Ill. Reg. 17992; amended at 19 Ill. Reg. 16103, effective

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effective 111. 23 at repealed 1995; 21, November

SUBPART A: GENERAL RULES GOVERNING BIDDING, AWARDS, AND PREQUALIFICATION OF HIGHWAY CONTRACTORS

Section 675.10 Award of Contract

- Act." In the event of conflict between that Act Highway Construction contracts shall be awarded pursuant and any provision of these Rules, the Act shall govern. Illinois Purchasing a a
 - Highway Construction contracts in excess of \$5,000.00 or involving a change or increase of size, type, or extent of an existing facility shall be awarded to the lowest responsible bidder considering conformity with the Department's "Standard Specifications for Road and Bridge Construction," adopted August 1, 1968, as amended. right is reserved to reject any or all proposals. (q
- awarded pursuant to the requirements of Section 6(5) of "The Illinois Purchasing Act" for such contracts and bidders must comply with All contracts not exceeding \$5,000.00 and not involving a change or increase of size, type, or extent of an existing facility shall Section 675.30 and 675.90 of these Rules. ô

Section 675.20 Standard Specifications for Road and Bridge Construction

The Department has adopted pursuant to law and authorized printing of "Standard Specifications for Road and Bridge Construction." All highway construction contracts and work thereunder shall conform to the Standard Specifications,

Section 675.30 Prequalification of Bidders

All bidders shall be qualified in accordance with 44 Ill. Adm. Code 650.

Section 675.40 Notice to Bidders and Advertisement

of the State of Illinois, inviting bids for the highway construction projects for which competitive bids will be received and which are bids shall be published in for Notice to Bidders and advertisement "official newspaper" in any one letting.

Section 675.50 Official Newspaper

The "official newspaper" of the State of Illinois is the one designated as such by the Department of Central Management Services.

Section 675.60 Service Bulletin

The Department publishes a "Service Bulletin" listing all highway construction

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projects for which bids are sought including the time, date and place of opening bids. The Bulletin will be sent to all contractors who have prequalified and to any person paying the established subscription price.

Section 675.70 Contents of Proposal Forms

- the contemplated construction and will show the estimate of the various quantities and kinds of work to be performed or materials to the opening of proposals. The form will also Upon request, the Department will furnish the prequalified bidders a be furnished, and will have a schedule of items for which unit bid prices are invited. The proposal form will state the time in which the work must be completed, a schedule from which the amount of proposal guaranty may be calculated, labor requirements, and the date, This form will state the location and description of include any special provisions or requirements which vary from or not contained in the Specifications. time and place of proposal form. a)
 - All papers bound with or attached to the proposal form are considered a part thereof and must not be detached or altered when the proposal Q)
- proposal form, including any addenda officially issued by the Department, will be considered a part of the proposal whether attached The plans, specifications and other documents designated in the ô

Section 675.80 Preparation of the Proposal

- be made for all items indicated in the proposal form, except that when in figures, a unit price for each of the separate items alternate bids are asked, a bid on more than one alternate for each called for in the proposal; he shall show the products of the respective quantities and unit prices in the column provided for that purpose, and the gross sum shown in the place indicated in the The bidder shall submit his proposal on the form furnished by the The proposal shall be executed properly, and bids shall The bidder shall All writing shall be with ink or typewriter, except the signature of the bidder which proposal shall be the summation of said products. item is not required, unless otherwise provided. shall be written in ink. Department. indicate, a)
- If the proposal is made by an individual, his name and business shall show the names, titles, and business addresses of the president, secretary, and and business address of each member of the firm or partnership shall treasurer, and the seal of the corporation shall be affixed address shall be shown. If made by a firm or partnership, the be shown. If made by a corporation, the proposal attested by the secretary. Q
 - and style as the financial statement used for pregualification and The proposal will be issued to a prequalified bidder in the same ô

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shall be submitted in like manner.

Section 675.90 Bidders' Ownership, Officers and Directors

enterprise, and if a corporation, the names of all officers and directors and their respective positions within such enterprise . Bidders shall notify the Department of any changes in ownership or officers at the time they occur. of more than 7 1/2% in the bidding bidder shall submit the names of interest As part of prequalification, each having a beneficial

Section 675.100 Delivery of Proposals

Department. The blank spaces on the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Department is used, it shall be of the same general size and shape and be similarly marked to clearly indicate its contents. When sent by the sealed proposal shall be addressed to the Department at the address proposals shall be filled prior to the time and at the place specified in the Notice to Bidders. Proposals received after the time for opening of bids will Each proposal should be submitted in a special envelope furnished by and in care of the official in whose office the bids are to be received. be returned to the bidder unopened.

Section 675.110 Public Opening of Proposals

Proposals will be opened and read publicly at the time and place specified in the Notice to Bidders. Bidders, their authorized agents, and other interested parties are invited to be present.

Section 675.120 Additional Work

within the estimate prepared by this Department and the additional work does The Department may require the contractor to perform additional work without not constitute such a variation from the original contract so as to amount to a repeating the competitive bidding procedure provided the contractor's cost new undertaking.

SUBPART B: STANDARDS AND PROCEDURES GOVERNING THE SUSPENSION OF CONTRACTORS

Section 675.210 Purpose

The purpose of this Subpart B is to establish standards and procedures governing administrative action which may be taken by the Department to safeguard the State interest in the solicitation, execution and administration of public contracts.

Section 675.220 Definitions

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As used in Subpart B of this Part

- "Contractor" means a)
- others engaged in managerial positions, which perform or seek to 1) any person or organization, including its directors, officers and perform services or provide or seek to provide materials Department; or
 - "Department" means the Illinois Department of Transportation. any subcontractor of such person or organization.
 - "Secretary" means the Secretary of the Department. (c)

Section 675.230 Causes for Suspension

- No contractor shall:
- to public business integrity or business honesty which seriously and directly service or public contracts or subcontracts thereunder, whether or not such misconduct or offense is in connection with a Department contract a) engage in fraud, bribery, embezzlement, theft, collusion, conspiracy, affects the question of present responsibility relating anti-competitive activity or other misconduct indicating or any contract requiring Department approval; or
 - make a false statement in the bidders application for pregualification or any forms or affidavits required in consequence thereof; or Q q
 - violate any rules of the Department. c

Section 675.240 Suspension

- or business entity, as set forth in Section 675.280 of this Part, from concurrence of the Department for a period of up to one year upon a of the Secretary based upon adequate evidence that the This determination can be predicated inter alia upon the establishment by admission or conviction (which shall include a plea nolo contendere), judgment of a court of competent jurisdiction or findings made in accordance with law by another public agency that the The Secretary may suspend a contractor or any associated organization eligibility to bid on any contract awarded by or requiring approval or contractor has engaged in conduct proscribed by Section 675.230 Section 675.230 contractor has engaged in conduct proscribed by determination this Part. q
 - "An Act in relation to bonds of contractors entering into contracts for public construction" (Ill. Rev. Stat. 1981, ch. 29, The Secretary shall determine that a surety will not be an acceptable source for the contract bond, required by Section 1 of of any contract awarded by, or requiring concurrence of, the Department for the following reasons: par. 1)
- et seg.) in effect as of 15 April 1983. A surety that is requirements for a Certificate of Authority (31 CFR 223.1, A) The surety does not meet the U. S. Department of

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- listed on Treasury Circular 570 shall be presumed to meet the aforesaid requirements.
- Noncompliance would include, but not be limited to, failure The surety has failed to comply with its obligations under to pay suppliers. pay meritorious claims promptly and with no more contention than is reasonably necessary to ascertain the to perform or validity of the claim. pouq contract the B)
- contracts for public construction" and The surety or its officers have violated state or federal of contractors unwillingness to perform or which demonstrate a lack of anti-bribery statutes) which tend to show inability laws (such as "An Act in relation to bonds business integrity. into ΰ
 - obligations by the surety's The surety has not diligently fulfilled its under the construction contract covered contract bond. â
- acts or omissions for which the Department would suspend the The surety is under suspension by another state agency surety. (E
- Secretary's determination of unacceptability shall be in effect for the following periods of time: 2)
- up to 12 months depending on the surety's recalcitrance in communicating with the Department or claimants and in promptly resolving claims to the Department's satisfaction;
- a period which may be greater than 12 months which is concurrent with the surety's suspension by another agency of make the surety eligible for the State of Illinois when said suspension is for acts suspension by the Department; which would omissions B)
- Secretary when the Secretary finds that the surety's future Secretary's original decision to suspend was incorrect, that the surety is willing and able to perform, that there is no longer a question of business honesty, or that the essential of the surety has been changed with respect to its contractual obligations. The change in attitude may be evidenced by a change in management or in key personnel, by a written policy statement that is distributed throughout the surety's offices and which is clearly being implemented, or by the For a period of time less than originally determined by finding that Department. fulfilling performance will be acceptable to the be based on a surety's performance on other projects. and to shall settling claims determination attitude G
 - acceptable with a written notice which shall specify the reasons request an opportunity to be heard by the Secretary or the shall provide a surety determined for, and the duration of, such determination. The Secretary 3)

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in accordance with the standards in modification of the suspension is made by the Secretary, the Secretary's designee within fifteen days of the issuance of the notice of suspension. The Secretary shall provide the requested surety may present determination or which would justify a shorter period for which Within 5 working days of hearing the suspended surety's evidence and Section 675.240(b)(2)(C). In the event that no affirmation shall either affirm or modify opportunity to be heard within 10 days of the request. evidence and arguments which may tend to rebut the basis for suspension shall remain in effect as if expressly affirmed. the surety has been determined to be unacceptable. itself of this opportunity, the of Suspension" arguments, the Secretary

existence or absence of affirmative facts. This assessment should In assessing adequate evidence, consideration should be given to how much credible information is available, its reasonableness in view of important allegations and, inferences which may be drawn from the surrounding circumstances, corroboration or lack thereof as examination of basic documents such as inspection reports, and correspondence. an G

any other suspension or debarment imposed by another governmental agency. Suspension hereunder shall also be deemed a finding of lack Suspension under these rules may be concurrent with or consecutive of responsibility. q)

Section 675.250 Notice and Hearings

contractor whom the Department proposes to suspend pursuant to Subpart B of these rules shall be furnished written notice by the Department specifying the charges or facts on which the proposed suspension is based. The notice shall advise that a hearing will be held with respect to the proposed suspension not The notice shall set forth the time, place and date of the hearing and less than 10 but not more than 15 calendar days from the date such notice shall identify the hearing officer assigned to the case.

Section 675.260 Hearing Procedures

- The Secretary or his authorized representative shall designate a hearing, provided that the hearing officer may condition the granting of a contractor's request for an extension on the imposition of an hearing officer shall have authority to extend the date of any to conduct any hearing held under these rules. interim suspension should the circumstances warrant such action. a) q
 - The hearing officer shall:
- rule on offers of proof and receive relevant evidence; regulate the course and scheduling of the hearing;
- take action necessary to insure an orderly hearing; and 1664
- issue to the Secretary and all parties of record findings of fact

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- and recommended administrative action. testimony at the hearing shall be recorded.
- The Parties shall be afforded the opportunity to present, examine and ŝ q)

cross-examine witnesses.

- of the record documentary evidence offered by any party and accepted at the hearing copies thereof shall be made available to other parties at the make part hearing officer shall receive and hearing at their request. (e
- established by findings made in accordance with law by another public shall be the appropriate length of a suspension. In such cases the of competent jurisdiction that the contractor has engaged in conduct Section 675.230 of this Part the sole issue before the hearing officer hearing officer shall not receive evidence relating to the merits proscribed by Section 675.230 of this Part or where it (which shall include a plea of nolo contendere) or judgment or the prior judicial or administrative decision or findings. agency that the contractor has engaged in conduct In cases where it has been established by admission f)
- transmit the entire record including such findings and recommendations In all hearings conducted under this Part, the hearing officer shall make findings of fact and recommend administrative action, and to the Secretary for his review and final determination. 6

Section 675.270 Determination

- Based, on the record as a whole, including the hearing officer's Secretary shall determine the administrative action to be taken and against findings of fact and recommended administrative action, the a)
- organization shall be suspended may be decreased, delayed or rescinded in individual cases at any time, if, in the judgment of the Secretary, Administrative action as determined by the Secretary shall be final, except that the period of time during which an individual or public interest warrants such action. q
- time during which such contractor shall be suspended from bidding on concurrence. Affected local government agencies shall be notified of the final determination. Any interim suspension shall be deducted Upon reaching his final determination, the Secretary shall notify the contractor of his determination, and shall set forth the period Department contracts or contracts requiring Department approval from the period of final suspension. ô

Section 675.280 Scope of Determination

- to the contractor set forth in the determination shall apply notification of suspension, and a)
 - The determination shall also apply to any associated organization business entity in which: Q

NOTICE OF PROPOSED REPEALER

- a suspended individual is an officer, director or in any other substantial management position, until such time as the individual is severed from such organization; or
- 2) a suspended individual has controlling legal or beneficial financial interest, until such time as the suspended individual divest himself from such interest; or
- 3) a suspended organization controls or is controlled by such associated business organization or entity which subsequent to the date administrative action was taken begins or holds itself out as ready to perform the same work which the suspended organization was performing or endeavored to perform; or otherwise demonstrates by its action subsequent to the date of suspension that it is evading the Secretary's determination.
 - c) Any issue of fact as to the scope of determination shall be subject to the hearing requirements provided hereunder.
- d) Any suspended contractor, for the term of such suspension, shall be ineligible to perform work as an approved subcontractor on contracts awarded or approved by the Department.

Section 675,290 Severability

If any Rule, or sentence, or clause of any Rule in Subparts A and B hereof is for any reason held invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Part.

Section 675.295 Effective Date

This Part shall become effective 10 days after filing with the Secretary of State.

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- 1) Heading of the Part: Railroad Maintenance By Contract
- 2) Code Citation: 44 Ill. Adm. Code 655

inbers:	Proposed Action:	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal									
3) Section Nu 655.10 655.20 655.20 655.40 655.40 655.40 655.40 655.10 655.110 655.110 655.210 655.220	Section Numbers:	655.10	655.20	655.30	655.40	655.50	655,60	655.70	655.80	655.90	655.100	655.110	-	655.210	655.220	655.230	655.240	655.250	655.260	655.270			'n.	55.

- 4) Statutory Authority: Formerly the Illinois Purchasing Act [30 ILCS 505]
- A Complete Description of the Subjects and Issues Involved: This Part was promulgated pursuant to the Illinois Purchasing Act [formerly 30 ILCS 505]. The Purchasing Act was repealed and replaced by the Illinois Procurement Code (the Code) [30 ILCS 500]. The Department recently adopted administrative rules (See Contract Procurement; 44 Ill. Adm. Code 660) that provide for the procurement practices of the Department formerly covered by this Part.
- 6) Will this proposed rulemaking replace an emergency rule currently effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

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NOTICE OF PROPOSED REPEALER

- This rulemaking will not affect units of local government or not-for-profit corporations. Statement of Statewide Policy Objectives: 10)
- in which interested persons may comment on this μευρύσε<u>ου τυλεωπακιμη:</u> Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be proposed rulemaking: Any interested party may submit written comments Manner Place and filed with: Time, 11)

Illinois Department of Transportation Mr. Jon Tweedt, Deputy Chief Counsel

2300 South Dirksen Parkway Room 311

Springfield, Illinois 62764

(217) 785-3215

þe JCAR requests, comments and concerns regarding this rulemaking should addressed to:

Christine Caronna-Beard, Rules Manager

Illinois Department of Transportation Room 311

Springfield, Illinois 62764 2300 South Dirksen Parkway

(217) 782-3215

Comments received within forty-five days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

Initial Regulatory Flexibility Analysis: 12)

- small municipalities and not for profit businesses, corporations affected: None small Types of A)
- compliance for Reporting, bookkeeping or other procedures required B)
- None Types of professional skills necessary for compliance: <u>ပ</u>
- January 1999 Regulatory Agenda on which this rulemaking was summarized: 13)

The full text of the Proposed Repealer begins on the next page

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NOTICE OF PROPOSED REPEALER

GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT TITLE 44:

SUPPLEMENTAL PROCUREMENT RULES SUBTITLE B:

RIGHTS AND DUTIES OF EMPLOYERS DEPARTMENT OF TRANSPORTATION CHAPTER IX: SUBCHAPTER C:

PART 655

RAILROAD MAINTENANCE BY CONTRACT (REPEALED)

SUBPART A: GENERAL RULES GOVERNING BIDDING AND AWARDS OF RAILROAD CONSTRUCTION CONTRACTS

Award of Contract Section 655.10 655.20

Specifications for Railroad Maintenance Prequalification of Bidders 655.30

Notice to Bidders and Advertisement Official Newspaper 655.40 655.50

Further Advertisement and Notification Contents of Proposal Forms 655.60

Preparation of the Proposal 655.70 655.80 655.90

Bidders' Ownership, Officers and Directors Delivery of Proposals 655,100

Public Opening of Proposals Additional Work 655,110 555.120 STANDARDS AND PROCEDURES GOVERNING THE SUBPART B:

SUSPENSION OF CONTRACTORS

Purpose 655,210 655,220 Section

Causes for Suspension Definitions 655,230

Notice and Hearings Suspension 655.240 655.250

Hearing Procedures Determination 655.260 655.270

Scope of Determination Severability 655.280 655,290

Effective Date 655.295

Waiver of Regulations

AUTHORITY: Implementing and authorized by Section 5 of the Illinois Purchasing Act [30 ILCS 505/5].

Adopted October 18, 1976; codified at 8 Ill. Reg. 17990; amended at 19 Ill. Reg. 16109, effective November 21, 1995; repealed at 23 Ill. Reg. SOURCE:

, effective

NOTICE OF PROPOSED REPEALER

PART A: GENERAL RULES GOVERNING BIDDING, AWARDS, AND PREQUALIFICATION OF HIGHWAY CONTRACTORS

Section 655.10 Award of Contract

- a) Railroad Maintenance Contracts shall be awarded pursuant to "The Illinois Purchasing Act." In the event of conflict between that Act
- and any provisions of this Part, the Act shall govern.

 Railroad Maintenance contracts in excess of \$5,000.00 or involving a change or increase of size, type, or extent of an existing facility shall be awarded to the lowest responsible bidder considering conformity with the Department's "Standard Specification for Railroad Rehabilitation and Maintenance," as amended. The right is reserved to reject any or all proposals.
 - c) All contracts not exceeding \$5,000.00 and not involving a change or increase of size, type, or extent of an existing facility shall be awarded pursuant to the requirements of Section 6(5) of "The Illinois Purchasing Act" (Ill. Rev. Stat. 1983, ch. 127, par. 132.6(5)) for such contracts and bidders must comply with Section 655.30 and 655.90 of this Part.

Section 655.20 Specifications for Railroad Maintenance

The Department has adopted pursuant to law and authorized printing of "Standard Specifications for Road and Bridge Construction." All railroad maintenance contracts and work thereunder shall conform to the Standard Specifications.

Section 655.30 Prequalification of Bidders

All bidders shall be qualified in accordance with 44 Ill. Adm. Code 650

Section 655.40 Notice to Bidders and Advertisement

Notice to Bidders and advertisement for bids shall be published in the "official newspaper" of the State of Illinois, inviting bids for the railroad maintenance projects for which competitive bids will be received and which are in any one letting.

Section 655.50 Official Newspaper

The "official newspaper" of the State of Illinois is the one designated as such by the Department of Central Management Services.

Section 655.60 Further Advertisement and Notification

The Department may notify prospective bidders by any other means reasonable under the circumstances.

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NOTICE OF PROPOSED REPEALER

Section 655.70 Contents of Proposal Forms

- Upon request, the Department will furnish the pregualified bidders a proposal form. This form will state the location and description of the contemplated construction and will show the estimate of the various quantities and kinds of work to be performed or materials to be furnished, and will have a schedule of items for which unit bid prices are invited. The proposal form will state the time in which the work must be completed, a schedule from which the amount of proposal quaranty may be calculated, labor requirements, and the date, time and place of the opening of proposals. The form will also include any special provisions or requirements which vary from or are not contained in the Specifications.
- b) All papers bound with or attached to the proposal form are considered a part thereof and must not be detached or altered when the proposal is submitted
- c) The plans, specifications and other documents designated in the proposal form, including any addenda officially issued by the Department, will be considered a part of the proposal whether attached or not.

Section 655.80 Preparation of the Proposal

- The bidder shall submit his proposal on the form furnished by the Department. The proposal shall be executed properly, and bids shall be made for all items indicated in the proposal form, except that when alternate bids are asked, a bid on more than one alternate for each item is not required, unless otherwise provided. The bidder shall indicate, in figures, a unit price for each of the separate items called for in the proposal; he shall show the products of the respective quantities and unit prices in the column provided for that purpose, and the gross sum shown in the place indicated in the proposal shall be the summation of said products. All writing shall be with ink or typewriter, except the signature of the bidder which shall be written in ink.
 - b) If the proposal is made by an individual, his name and business address shall be shown. If made by a firm or partnership, the name and business address of each member of the firm or partnership shall be shown. If made by a corporation, the proposal shall show the names, titles, and business address of the president, secretary, and treasurer, and the seal of the corporation shall be affixed and attested by the secretary.
- c) The proposal will be issued to a prequalified bidder in the same name and style as the financial statement used for prequalification and shall be submitted in like manner.

Section 655.90 Bidders' Ownership, Officers and Directors

NOTICE OF PROPOSED REPEALER

As part of prequalification, each bidder shall submit the names of each individual having a beneficial interest of more than 7 1/2% in the bidding enterprise, and if a corporation, the names of all officers and directors and their respective positions within such enterprise. Bidders shall notify the Department of any changes in ownership or officers at the time they occur.

Section 655.100 Delivery of Proposals

Each proposal should be submitted in a special envelope furnished by the Department. The blank spaces on the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Department is used, it shall be of the same general size and shape and be similarly marked to clearly indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Department at the address and in care of the official in whose office the bids are to be received. All proposals shall be filled prior to the time and at the place specified in the Notice to Bidders. Proposals received after the time for opening of bids will be returned to the bidder unopened.

Section 655.110 Public Opening of Proposals

Proposals will be opened and read publicly at the time and place specified in the Notice to Bidders. Bidders, their authorized agents, and other interested parties are invited to be present.

Section 655.120 Additional Work

The Department may require the contractor to perform additional work without repeating the competitive bidding procedure provided the contractor's cost is within the estimate prepared by this Department and the additional work does not constitute such a variation from the original contract so as to amount to a new undertaking.

SUBPART B: STANDARDS AND PROCEDURES GOVERNING THE SUSPENSION OF CONTRACTORS

Section 655.210 Purpose

The purpose of Sections contained in Subpart B is to establish standards and procedures governing administrative action which may be taken by the Department to safeguard the State interest in the solicitation, execution and administration of public contracts.

Section 655.220 Definitions

As used in Subpart B of this Part:

- a) "Contractor" means
- 1) any person or organization, including its directors, officers and

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others engaged in managerial positions, which perform or seek to perform services or provide or seek to provide materials to the Department; or

- 2) any subcontractor of such person or organization.
- b) "Department" means the Illinois Department of Transportation.
 c) "Secretary" means the Secretary of the Department.

Section 655,230 Causes for Suspension

No contractor shall:

- a) engage in fraud, bribery, embezzlement, theft, collusion, conspiracy, anti-competitive activity or other misconduct indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility relating to public service or public contracts or subcontracts thereunder, whether or not such misconduct or offense is in connection with a Department contract or any contract requiring Department approval; or
 - b) make a false statement in the bidder's application for prequalification or any forms or affidavits required in consequence thereof; or
- c) violate any rules of the Department.

Section 655.240 Suspension

- The Secretary may suspend a contractor or any associated organization or business entity, as set forth in Section 655.280 of this Part, from eligibility to bid on any contract awarded by or requiring approval or concurrence of the Department for a period of up to one year upon a determination of the Secretary based upon adequate evidence that the contractor has engaged in conduct proscribed by Section 655.230 of this Part. This determination can be predicated inter alia upon the establishment by admission or conviction (which shall include a plea of nolo contendere), judgment of a court of competent jurisdiction or findings made in accordance with law by another public agency that the contractor has engaged in conduct proscribed by Section 655.230 of this Part.
- b) In assessing adequate evidence, consideration should be given to how much credible information is available, its reasonableness in view of surrounding circumstances, corroboration or lack thereof as to important allegations and, inferences which may be drawn from the existence or absence of affirmative facts. This assessment should include an examination of basic documents such as contracts, inspection reports, and correspondence.
- c) Suspension under this Part may be concurrent with or consecutive to any other suspension or debarment imposed by another governmental agency. Suspension hereunder shall also be deemed a finding of lack of responsibility.

NOTICE OF PROPOSED REPEALER

Section 655.250 Notice and Hearings

this Part shall be furnished written notice by the Department specifying the charges or facts on which the proposed suspension is based. The notice shall advise that a hearing will be held with respect to the proposed suspension not The notice shall set forth the time, place and date of the hearing and Any contractor whom the Department proposes to suspend pursuant to Subpart B of less than 10 but not more than 15 calendar days from the date such notice shall identify the hearing officer assigned to the case.

Section 655.260 Hearing Procedures

- hearing officer to conduct any hearing held under this Part. The hearing officer shall have authority to extend the date of any hearing, provided that the hearing officer may condition the granting of a contractor's request for an extension on the imposition of an The Secretary or his authorized representative shall designate interim suspension should the circumstances warrant such action. a)
 - The hearing officer shall: Q
- rule on offers of proof and receive relevant evidence; regulate the course and scheduling of the hearing; 7
- take action necessary to insure an orderly hearing; and 3)
- issue to the Secretary and all parties of record findings of fact and recommended administrative action. 4)
 - testimony at the hearing shall be recorded.
- The Parties shall be afforded the opportunity to present, examine and cross-examine witnesses. g c
- The hearing officer shall receive and make part of the record evidence offered by any party and accepted at the hearing and copies thereof shall be made available to other parties hearing at their request. documentary (e
- established by findings made in accordance with law by another public In cases where it has been established by admission or conviction of competent jurisdiction that the contractor has engaged in conduct proscribed by Section 655,230 of this Part or where it has been Section 655.230 of this Part the sole issue before the hearing officer shall be appropriate length of a suspension. In such cases the hearing officer shall not receive evidence relating to the merits of (which shall include a plea of nolo contendere) or judgment of a court agency that the contractor has engaged in conduct proscribed by the prior judicial or administrative decision or findings. f)
- In all hearings conducted under this Part, the hearing officer shall transmit the entire record including such findings and recommendations make findings of fact and recommend administrative action, and shall to the Secretary for his review and final determination. 6

Section 655.270 Determination

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NOTICE OF PROPOSED REPEALER

- findings of fact and recommended administrative action, the Secretary shall determine the administrative action to be taken and against Based on the record as a whole, including the hearing officer's a)
- organization shall be suspended may be decreased, delayed or rescinded in individual cases at any time, if, in the judgment of the Secretary, Administrative action as determined by the Secretary shall be final, except that the period of time during which an individual or public interest warrants such action. (q
 - the final determination. Any interim suspension shall be deducted contractor of his determination, and shall set forth the period of Department contracts or contracts requiring Department approval concurrence. Affected local government agencies shall be notified time during which such contractor shall be suspended from bidding Upon reaching his final determination, the Secretary shall notify from the period of final suspension. G

Section 655.280 Scope of Determination

- The determination shall apply to the contractor set forth in the notification of suspension, and a)
- The determination shall also apply to any associated organization or business entity in which: (q
 - management position, until such time as the in any other a suspended individual is an officer, director or individual is severed from such organization; or substantial
 - beneficial individual a suspended individual has controlling legal or financial interest, until such time as the suspended divests himself from such interest; or 5
- the same work which the suspended a suspended organization controls or is controlled by such associated business organization or entity which subsequent to the date administrative action was taken begins or hold itself otherwise demonstrates by its action subsequent to the date performing or endeavored to perform; suspension that it is evading the Secretary's determination. out as ready to perform organization was 3
- Any issue of fact as to the scope of determination shall be subject to the hearing requirements provided hereunder. G
 - Any suspended contractor, for the term of such suspension, shall be ineligible to perform work as an approved subcontractor on contracts awarded or approved by the Department. q)

Section 655.290 Severability

If any Section, or sentence, or clause of any Section in Subparts A and B hereof is for any reason held invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Part.

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NOTICE OF PROPOSED REPEALER

Section 655.295 Effective Date

This Part shall become effective immediately upon filing with the Secretary of State.

Waiver of Regulations Section 655.298

The Department may waive any provisions of this Part not otherwise required by

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NOTICE OF PROPOSED REPEALER

- Heading of the Part: Selection of Non-Architect-Engineering Consultant 1
- Code Citation: 44 Ill. Adm. Code 635 2)

Proposed Action:	Repeal							
Section Numbers:	635.10	635.20	635.30	635.40	635.50	635.60	635.70	635.80
3)								

- Statutory Authority: Formerly the Illinois Purchasing Act [30 ILCS 505]. 4)
- Code (the Code) [30 ILCS 500]. The Department recently adopted administrative rules (See Contract Procurement; 44 Ill. Adm. Code 660) that provide for the procurement practices of the Department formerly covered by The Purchasing Act was repealed and replaced by the Illinois Procurement A Complete Description of the Subjects and Issues Involved: This Part was promulgated pursuant to the Illinois Purchasing Act [formerly 30 ILCS 505]. this Part. 2
- Will this rulemaking replace any emergency rulemaking currently in effect? (9
- Does this rulemaking contain an automatic repeal date? 7)
- Does this rulemaking contain incorporations by reference? 8
- Are there any other proposed rulemakings pending on this Part? No 6
- This rulemaking will not affect units of local government or not-for-profit corporations. of Statewide Policy Objectives: Statement 10)
- Any interested party may submit written comments or his proposed rule. Written submissions shall be 11) Time, Place and Manner in which interested persons may comment on this arguments concerning this proposed rule. proposed rulemaking: filed with:

Illinois Department of Transportation Mr. Jon Tweedt, Deputy Chief Counsel Springfield, Illinois 62764 217/785-3215 2300 South Dirksen Parkway Room 311

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comments and concerns regarding this rulemaking should be JCAR requests, addressed to:

Christine Caronna-Beard, Rules Manager Illinois Department of Transportation Springfield, Illinois 62764 2300 South Dirksen Parkway 217/782-3215

this Illinois Register will be considered. Comments received after that Comments received within forty-five days after the date of publication time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:
- Types of small businesses, small municipalities and not for profit corporations affected: A)
- other procedures required for compliance: bookkeeping or Reporting, B)
- Types of professional skills necessary for compliance: None ΰ
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Repealer begins on the next page:

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DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

GOVERNMENT CONTRACTS, PROCUREMENT AND SUPPLEMENTAL PROCUREMENT RULES PROPERTY MANAGEMENT SUBTITLE B: TITLE 44:

CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 635

SELECTION OF NON-ARCHITECT-ENGINEERING CONSULTANT FIRMS (REPEALED)

Purpose Section 635,10

Applicability 635.20

Equal Employment Opportunity; Nondiscrimination; Affirmative Action 635.30

Solicitation 635.40

Selection Committee 635,50

Amendments 635,60

Documentation 635.70

Waivers, Modification 635.80 AUTHORITY: Implementing Section 35 of the Illinois Aeronautics Act (Ill. Rev. Stat. 1983, ch. 15 1/2, par. 22.35), Section 49.18(8) of the Civil Administrative Code of Illinois, (Ill. Rev. Stat. 1983, ch. 127, par. 49.18(8), Section 11 of "AN ACT in relation to the regulation and maintenance of the levels in Lake Michigan and to the Diversion and apportionment of water from the Lake Michigan watershed" (111. Rev. Stat. 1983, ch. 19, par. 120.9), Section 4-201.4 of the Illinois Highway Code (111. Rev. Stat. 1983, ch. 121, Administrative Code of Illinois (Ill. Rev. Stat. 1983, ch. 127, par. 16) and par. 4-201.4); and the Intergovernmental Cooperation Act (Ill. Rev. Stat. 1983, ch. 127, pars. 741 et seq.), and authorized by Section 16 of the Civil Sections 5 and 6 of the Illinois Purchasing Act (Ill. Rev. Stat. 1983, ch. 127, pars. 132.5 and 132.6).

, effective Adopted at 4 Ill. Reg. 2, p. 209, effective January 1, 1980; at 8 Ill. Reg. 14302; repealed at 23 Ill. Reg.

Section 635.10 Purpose

non-architect-engineering consultant firms on the basis of a comparative evaluation of professional and technical qualifications that are considered to satisfactorily performing the services required and to ensure proper documentation of all transactions that are pertinent to the acquisition, selection for the to provide control, and evaluation of these services. Part is The purpose of this essential

Section 635.20 Applicability

This Part is applicable to any contract for non-architect-engineering services other than electronic data processing (EDP) services where such contract is

NOTICE OF PROPOSED REPEALER

processing consultant contracts are subject to the applicable regulations of All electronic data All contracts for legal services (coded 1244) are subject to the approval of the Chief Counsel. filed as a CUSAS expenditure object code 1242 or 1245. the Department of Central Management Services.

635.30 Equal Employment Opportunity; Nondiscrimination; Affirmative Section Action

It is the policy of the Department to execute and administer contracts in accordance with applicable State and Federal laws and regulations regarding the hiring of employees or firms on the basis of race, color, While efforts are made to apprise potential consultants of the requirements this policy may impose upon them, the lack of such apprisal will not preclude the Department from requiring contractor compliance with such applicable laws and regulations as a condition continued payment for work completed under a contract with the Department. religion, sex or national origin. hereunder

Section 635.40 Solicitation

- The Department shall prepare and issue a Request for Proposal (RFP) to at least three consultants unless: (B
 - 1) there are fewer than three consultants that can provide, or are authorized to provide, the desired service;
 - there would be no substantial likelihood of an economic benefit in meeting this requirement; 5
 - in extremely limited instances, highly specialized services are required and the need for selection of firms or persons uniquely qualified because of their abilities or experience outweighs the benefits which might be derived from the RFP process; or 3)
- the services to be provided are pursuant to a contract renewed on substantially the same terms and conditions specified in the original contract. 4)
- than three firms are to be given RFP's for any contract estimated to equal or exceed \$5,000, justification must be provided to the Director of Finance and Administration. (q

f)

Section 635.50 Selection Committee

If two or more responses are received to an RFP and the estimated expenditure would equal or exceed \$20,000, the selection process shall be administered by to select a responsible and qualified consultant. The Selection Committee the Department-wide Selection Committee described in this Section. other cases, it shall be the responsibility of the Division or Office shall be established and shall conduct business as follows:

or Offices; it shall be organized by the Director of Finance and Administration upon written notification of the nature of the service, The Selection Committee shall be composed of six voting members, three from the Division or Office concerned and three from other Divisions

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NOTICE OF PROPOSED REPEALER

The contracting office shall also list the names and voting power of the staff members the number of proposals, and the estimated fees. who will participate in the selection process.

- recording secretary. If the chairperson or Bureau Chief is also the contract manager, the Director shall designate the third voting committee shall also include a representative from each District that The members from the concerned Division or Office shall be the Director or Deputy Director, who shall serve as chairperson, the appropriate Bureau Chief, and the contract manager, who shall act as is directly involved in the project. Additional members may member. When the Division of Highways is the contracting office, designated as needed. Q)
- Whenever there are more than three members from the contracting the project, the respective Directors shall jointly designate the office, the Director must either confine the additional members to advisory role or divide the three votes among part or all of group. When more than one Division or Office is directly involved members of the committee. c)
- Transportation, Traffic Safety, and Water Resources. These standing The three voting members from other Divisions or Offices shall be selected at random by the Director of Finance and Administration from Public one-year term, beginning July 1. No representative or alternate shall members shall be appointed by their respective Director to serve representative and one alternate from Aeronautics, Finance a pool of up to seven members. The pool shall be comprised of Programming, serve two consecutive terms in either capacity. Highways, Planning and Administration, g
- The actual number of eligible members in the pool for a given contract shall depend on the number of offices that are not directly involved in the project. If there are fewer than three eligible members, the Director of Finance and Administration shall enlist the participation of Public Affairs, and the Office of Chief Counsel, as needed. (e
 - services specified in the RFP. If possible, the Committee should also firm that, in the opinion of the majority, can best provide the select an alternate consultant from the remaining RFP's, should one meet the specifications and be acceptable to the majority of the committee. The recording secretary shall list the names and voting all participants, document the proceedings and the notification of the Selection Committee's actions, the requesting Division or Office is authorized to enter into contract negotiations successfully negotiated with the selected firm, the Division or Office concerned shall notify the Director of Finance and Administration of its intended course of action. If the Department-wide committee was utilized and an alternate chosen, the Division or Office concerned shall notify the alternate consultant and again begin negotiations. with the selected firm. If, for any reason, a contract cannot The Selection Committee shall evaluate the proposals and select distribution of votes, and summarize dissenting opinions. of power

NOTICE OF PROPOSED REPEALER

If an alternate was not selected, or if the alternate contract cannot be successfully negotiated, the Director of Finance and Administration may recommend that the committee be reconvened. The committee may then re-evaluate any remaining proposals and either select a second alternate or recommend issuing additional RPP's.

the project design. When any matter is referred for resolution by the If no consultant receives the majority of votes, the Committee may decide to discontinue the project, issue additional RFP's, or refer resolution by the Secretary or Deputy Secretary. Any such decision shall take into account factors considered pertinent by the Selection quality of the proposals, scheduling needs, level of funding, and the flexibility of or she shall review all factors considered and specified in writing by the Selection Committee, as well as any other pertinent factors that may have been overlooked. The Secretary or the Deputy Secretary shall then resolve the matter by the matter to the Director of Finance and Administration the including but not limited to: Secretary or Deputy Secretary, he acting as an arbiter. Committee, (b

h) If a consultant project is not subject to the procedures described here for the Department-wide Selection Committee, the Director of the Division or Office concerned shall ensure that the method and basis of selection are consistent with sound management practices and that all proceedings are documented for public record.

Section 635.60 Amendments

The Director of Finance and Administration must, prior to execution, review any contract amendment where the original cost of the contract was \$5,000 or more and the amendment would significantly alter the scope, objectives, or products of the service or where such amendment would increase the currently established fee by at least 20% or \$5,000. Upon completing the review, the Director shall take one of the following actions: approve the amendment, recommend that the services covered by the amendment be obtained through an independent selection process, or make such other recommendation as may be appropriate.

Section 635.70 Documentation

The Department shall document and retain a record of all internal and external transactions that are pertinent to the acquisition, control, and evaluation of these consultant services. Final contract evaluations of all contracts equal to or exceeding \$5,000 shall be filed centrally with the Office of Finance and Administration. All documents and records shall be available for public inspection in accordance with any applicable laws and regulations.

Section 635.80 Waivers, Modification

Any portion of this Part may be waived or modified by the Secretary where such waiver or modification is consistent with good governmental procurement

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practices and is in the best interests of the State. Requests for such a waiver or modification shall be submitted by the appropriate Director and shall be accompanied by a written statement setting forth the justification for the requested action.

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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Heading of the Part: Affordable Housing Program

7

- 47 Ill. Adm. Code 360 Code Citation: 2)
- Adopted Action: Amendment Amendment Section Numbers: 360,203 310.401 3
- Statutory Authority: Implemented and authorized by the Illinois Housing Development Act [20 ILCS 3805]. 4)
- Effective date of Amendment: March 15, 1999 2)
- S_N Does this rulemaking contain an automatic repeal date: (9
- Does this Amendment contain incorporations by reference: 7
- A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. 8
- Notice of Proposal published in Illinois Register: Published on November 20, 1998, 22 Ill Reg 19977. 6
- Has JCAR issued a Statement of Objection to this Amendment? No 10)
- Differences between proposal and final version: Pursuant to First Notice and Second Notice Changes from JCAR, the Authority made a series of technical and grammatical corrections throughout the rulemaking. 11)
- Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes 12)
- Will this Amendment replace an emergency rule currently in effect? 13)
- Are there any amendments pending on this Part? 14)
- Summary and Purpose of Amendment: A change in the administrative expenses approved by the General Assembly and public notice given by other governmental entities. 15)
- this proposed rulemaking: Interested parties may submit comments, data, views
 or arguments concerning this rulemaking in writing to: on comment Time, Place and Manner in which interested persons may 16)

401 N. Michigan Ave., Suite 900 Chicago, Illinois 60611 Lori Silver, Esq.

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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

312/836-7341

The full text of this Adopted Amendment begins on the next page:

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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT

AFFORDABLE HOUSING PROGRAM PART 360

SUBPART A: GENERAL RULES

Section

Forms and Procedures for the Program Fees and Charges of the Authority Compliance with Federal Law Borrowing by the Authority Purpose and Objectives Standards - Criteria Titles and Captions Gender and Number Waiver (Repealed) Calendar Days Severability Definitions Amendment Authority 360,106 360,103 360,105 360,108 860.109 60.110 360.101 360.102 360.104 360.107 111.098 360,112 360,113 360,114 SUBPART B: USES

Permitted Uses of Trust Fund Monies Market Rate Developments Beneficiaries Recipients 360.202 360.203 360.204 Section 360.201

APPLICATION SUBPART C:

Site and Market Study/Rental Analysis Initial Contact Application Review 360.304 360,305 360,306 360,301 360,302 360,303

Section

Feasibility Determination (Repealed)

Staff Recommendation

360.307

Authority Determination Conditional Commitment Advisory Commission 360.309 360,308

SUBPART D: NOTICE

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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NOTICE OF ADOPTED AMENDMENTS

Notification by Authority Comments and Responses 360.402 Section 360.401

SUBPART E: RECIPIENT

Eligible Applicants (Repealed) Books and Records Land Trusts Audits 360.502 360.503 360,501 360.504

Section

Standards for Approval of Conveyance Annual Financial Report Furnishing Information 360,505 360.506 360.507 SUBPART F: LOANS AND GRANTS

Increase Above Maximum Loan or Grant Amount Maximum Loan Amount and Priority Maximum Grant Amount 360.602 360,603 360,601

Section

Recapture of Assistance Amortization 360,604

Prepayment of Loan 360,605

CONSTRUCTION SUBPART G:

Design and Construction Standards Section 360,701 SUBPART H: MARKETING AND MANAGEMENT

Marketing and Management Plans Marketing and Management Section 360.801

Cost of Service Maintenance 360.802 360.803 360.804 SUBPART I: TENANTS AND OCCUPANCY

Tenant Selection Plan and Participant Selection Plan Relocation Plan Displacement 360,901 360.902 360.903 360,904

Section

Income and Housing Expense Limits Non-Discrimination 360,905

SUBPART J: ENERGY EFFICIENCY

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Section 360.1001

Standards

SUBPART K:

CERTIFICATIONS

Section

Environmental Assessment 360.1101

Other Laws 360,1102

AUTHORITY: Implementing Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)] and authorized by Sections 7.19 and 7.25 Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25].

1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 9117, effective May 24, 1990; amended at 15 Ill. Reg. 17088, effective November 19, 1991; emergency Reg. 4321, effective February 4, 1998; amended at 23 Ill Reg. amendment at 18 Ill. Reg. 2124, effective January 12, 1994, for a maximum of SOURCE: Emergency rules adopted at 14 Ill. Reg. 2094, effective January 22, 150 days; amended at 18 Ill. Reg. 8663, effective May 25, 1994; amended at **8**698

SUBPART B: USES

Permitted Uses of Trust Fund Monies Section 360.203

Trust Fund Monies may be used for the following purposes:

to make secured, unsecured or deferred repayment Loans; c p a

- to make zero percent or low interest Loans;
- insurance or or to pay acquisition, retention of Developments or Single-Family Developments construction, rehabilitation, development, operation, the for subsidies to make Grants, payments or predevelopment expenses;
- undivided interest in specified, first-lien conventional residential Illinois mortgages which are underwritten, insured, guaranteed or purchase mortgage participation certificates representing purchased by the Federal Home Loan Mortgage Corporation; to to q
- be used in investments which reduce the risk associated with fluctuations in interest rates or the market price of investments or any other investments which are lawful for other fiduciaries in the State to make; ç (e
- for Developments which are occupied partly by I Very-Low Income Households and partly by households not qualifying as Low-Income Households and Very Low-Income Low-Income Households and Very-Low Income Households and partly to provide assistance Households; £)
 - to purchase first and second mortgages;
 - to make Grants for the provision of technical assistance, outreach and building of an Applicant's capacity to develop Affordable Housing; g G ij
 - to pay fees of the Program Administrator not to exceed the amount

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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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appropriated by the General Assembly \$5007000 each fiscal year in connection with the operation of the Program; and

Affordable Housing Program Trust Fund Bonds or Notes issued pursuant (c), (d) and 9 of the Affordable Housing Act in connection with Trust Fund Monies used pursuant to this subsection 360.203(j) shall be governed by the Affordable Housing Bond Program to be held, pledged, applied or dedicated pursuant to Sections 8(b), to the Act. j)

effective

969 P

Reg.

111.

23

(Source: Amended

SUBPART D: NOTICE MAR 1 5 1999

Section 360.401 Notification by Authority

- Notice of Allocation a)
- Prior to the presentation of an application to the Members, Authority shall give written notice of the proposed allocation to following persons and agencies:
 - be the county board of the county in which the is to proposed Development or Single-Family Development the chairman of located;
- in which the proposed Development or Single-Family Development is to be located: the mayor or other chief executive of the municipality, to be located; 2)
 - the appropriate Clearinghouses; and
- each member of the General Assembly from the legislative district in which the proposed Development or Single-Family Development is 3)

the application does not request Trust Fund Monies for a specific the notice Development or Single-Family Development, to be located.

Notice under this Section shall be made on forms prepared by the based on the location of the Applicant. Q q

- Authority. Contents G
- estimated amount of the proposed allocation; if applicable, the name and address of the proposed Development or Single-Family Development; type of any subsidies; the total number of units; and the type of elderly, The notice shall set forth the name and address of the Applicant; the Development or Single-Family Development (for example, family, or handicapped).
- be satisfied if another governmental entity provides public notice of an application shall this Section in a manner acceptable to the Authority. notification required by The Ġ

Reg. 111. 23 at (Source: Amended

SES - effective

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1 Heading of the Part: Accumulation of Guaranty Fund or Guaranty Capital Reporting and Accounting of Such Indebtedness 7
- Code Citation: 50 Ill. Adm. Code 301 5

Adopted Action: Amendment Amendment Amendment Section Number: 301.70 301.30 301.60 3)

- Statutory Authority: Implementing Section 56 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/56 and 401]. 4)
- Effective Date of Amendment: March 10, 1999 2)
- Does this amendment contain an automatic repeal date? No (9
- δÑ Does this amendment contain incorporations by reference? 7
- A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection. 8
- Notice of Proposal Published in Illinois Register: August 14, 1998, 22 Ill. Reg. 14593 6
- Has JCAR issued a Statement of Objections to this Amendment? 10)
- Difference(s) between proposal and final version: 11)
- a) Section 301.30, add a comma after "that" on the fourth line.
- Section 301.30, strike the period on the sixth line and add "; and "The obligation" that" in lieu thereof. Also change obligation". (q
- Section 301.30, change "this" to "such" on the seventh, ninth and tenth lines. ΰ
- Section 301.30, strike the period and add "; and that" after "company" on the eighth line. Also change "No" to "no" and delete "security". q
- Section 301.30, add "securing such certificate" following "interest" on the ninth line. (a
- Section 301.60(e), delete "as part of net income" on the second line and add "as a deduction from income" in lieu thereof. £)

NOTICE OF ADOPTED AMENDMENTS

- g) Section 301.70, strike "a)" ahead of the introductory paragraph.
- h) Section 301.70, strike "1)" and add "a]", strike "2)" and add "b]" and also strike "3)" and add "c]" in lieu thereof.
- i) Section 301.70, strike "b)" and all text that follows.
- Also change all source note references from "22" to "23".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect?
- 14) Are there any amendments pending on this Part? No
- language in Section 301.30 that allows artificial payment floors. The advent of risk-based capital makes this language unnecessary because risk-based capital is a superior gauge of repayment. New language is being added to Section 301.30 that will provide a new safeguard for pre-payment without the Director's approval. Section 301.60 is also being amended to clarify the accounting for accrued interest. Section 301.70(b) is being deleted.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jim Hanson
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-6284

The full text of the Adopted Amendments begins on the next page:

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE CHAPTER I: DEPARTMENT OF INSURANCE SUBCHAPTER c: DOMESTIC MUTUAL COMPANIES PART 301
ACCUMULATION OF GUARANTY FUND OR GUARANTY CAPITAL-REPORTING AND ACCOUNTING OF SUCH INDEBTEDNESS

Section 301.10 Authority

301.20 Application and Effective Date

301.30 Approval of Certificate Form by Director

301.40 Execution of Certificate

S N

301.50 Consideration

301.60 Reporting and Accounting of Indebtedness 301.70 Retirement of Guaranty Fund and Guaranty Capital

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Payment

and

Interest

AUTHORITY: Implementing Section 56 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/56 and 401].

Section 301.30 Approval of Certificate Form by Director

the Illinois Insurance Code [215 ILCS 5/56] (###-Rev:-Stat:-1987;-ch:-73;-parapproval of the Illinois Guaranty Fund or Guaranty Capital certificates issued pursuant to Section 56 of Director of Insurance (Director) prior to being issued by the company. The certificate must state that, all payments of principal and/or interest must be approved by the Director: and that the obligation of the company under such certificate may not be offset or be subject to recoupment with respect to any interest securing such certificate, whether existing on the date of such certificate or subsequently entered into, applies to the obligation under such certificate. It--also--must--state--that-neither-principal-nor-interest-may-be-repaid-unless after-such-paymenty-surplus-as-regards-policyholders-is--equal--to--or--greater than---surpius--as--regards--policyholders-immediately-after-the-issuance-of-the liability or obligation owed to the company; and that no agreement or the duplicate, for be submitted, in 668+ shall

(Source: Amended at 23 Ill. Reg.

effective

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Section 301.60 Reporting and Accounting of Indebtedness

a) The Director shall be notified immediately, in writing, upon the

NOTICE OF ADOPTED AMENDMENTS

execution of any such certificate, as to the amount thereof and to whom payable.

b) The company shall furnish a copy of the deposit slip evidencing that the funds derived from the execution of such certificate have been deposited to the company's account.

c) All outstanding guaranty funds or guaranty capital and interest accrued thereon shall be reported separately in the Annual Statement on Page 3 and in any other financial statements of the company as special surplus funds. d) The issuance and repayment of the guaranty fund or guaranty capital, as well as the payment of the interest thereon, shall be reflected as direct debits or credits to the Capital and Surplus Account of the company's financial statement.

e) The interest expense incurred on the guaranty fund or guaranty capital during the current period shall be reflected as a deduction from income on the Statement of Income/Summary of Operations of the company's financial statement.

(Source: Amended gat 23 Ill. Reg. \$599 = .:

effective

Section 301.70 Retirement of Guaranty Pund and Guaranty Capital and Payment of Interest e)A company may only retire guaranty funds and guaranty capital and make payment of interest on any indebtedness as provided under Section 56 of the

payment of interest on any indebtedness as provided under Section 56 of the Illinois Insurance Code [215 ILCS 5/56]. No payment shall be authorized by the Director unless:

a]+ The company's surplus as regards policyholders is reasonable in relation to its outstanding liabilities and adequate for its financial

relation to its outstanding liabilities and adequate for its financial needs (fthe determination of the reasonableness and adequacy of surplus shall include consideration of the following factors: premium volume as referenced in Sections 144 and 244.1 of the Illinois Insurance Code (Code) [215 ILCS 5/14 and 244.1] (#lft:-Rev:-Stat: 1987;-cht.-737-pers:-756-and-856:17; lines of business and additional authority as referenced in Sections 4, 11, 39, 245.23 of the Code [215 ILCS 5/4, 11, 39, 245.23] (#lft:-Rev:-Stat:-1987;-cht.-737-pers:-6467 857:237-6237-6517-057:237 and Section 2-1 of the Health Maintenance Organization Act [215 ILCS 125/2-1] (#lft:-Rev:-Stat:-1987;-cht.-14893;r-cht.-14893;r-cht.-1307;r-cht

 c)37 Such payment is consistent with the terms of the certificate approved pursuant to Section 301.30 of this Part.

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NOTICE OF ADOPTED AMENDMENTS

b) Any--payment--which--reduces--the---company-s---surplus---as---regards policyholders--beyond-the-amount-permitted-under-Section-301170-hereof must-be-immediately-returned-in-lawful-money-to-the-company-

(Source: Amended at 23 Ill. Reg. 2699 = ; effective

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance

1)

- 50 Ill. Adm. Code 2008 Code Citation: 5
- Adopted Action: Amendment Section Number: 2008.30 3

New Section Renumbered, Amendment New Section Renumbered, Amendment Amendment Amendment Amendment Amendment 2008.74 2008.75 2008.76 2008.82 2008.80 2008.40 2008.45 2008.72

Amendment Amendment Amendment Amendment 2008.91 Appendix 2008.90

Amendment Amendment Amendment υ Д 闰 Appendix I Appendix B Appendix B Appendix

Amendment Amendment Amendment Amendment Amendment Amendment Amendment U Appendix I Appendix J Appendix Appendix Appendix Appendix Appendix

Statutory Authority: Implementing Sections 363 and 363a and authorized by Amendment 4)

Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401].

- Effective Date of Amendment: March 10, 1999 2
- Does this amendment contain an automatic repeal date? (9
- S Does this amendment contain incorporations by reference? 7
- þλ is on file in the Department of Insurance's principal office incorporated material any A copy of the adopted amendment, including and is available for public inspection. reference, 8
- 1998, Notice of Proposal Published in Illinois Register: November 2, Ill. Reg. 17207 6

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NOTICE OF ADOPTED AMENDMENTS

- 8 Has JCAR issued a Statement of Objections to this amendment? 10)
- Difference(s) between proposal and final version: 11)
- Section 2008.40, in the definition of "Code" add "and any of the Acts "Code" following in Chapter 215 of the Illinois Compiled Statutes" strike "[215 ILCS/1 et seq.]". a)
- Section 2008.40, in the definition of "Medicare", strike the quotation (q
- Section 2008.45(e)(3), delete "to coverage" following "provided" G)
- Section 2008.72(b), add "subsection (c)(11) of Section" following "in" also strike "(c)(11)" on the third line, strike "Sections" and following "2008.71" on the last line. q)
- Section 2008.72(c), add "subsections (b) and (c) of Section" following the fifth line, strike "Sections" and also strike "(b) and (c)" following "2008.71" on the sixth line. no o "in" (a
- Section 2008.72(e)(1) and (11), add "subsection (b) of" following "in" on the third line and strike "(b)" following "2008.71" £)
- Section 2008.72(e)(2), (3), (4), (5), (6), (8), (9) and (10), add "subsection (b) of" following "in" on the second line and strike "(b)" following "2008.71". 6
- Section 2008.72(e)(2), add "subsection (c)(1) of" following "in" on the fourth line and strike "(c)(1)" following "2008.71". (H
- Section 2008.72(e)(3), add "subsections (c)(1), (2), (3) and (8) of Section" following "in" on the sixth line, strike "Sections" and also strike "(c)(1), (2), (3) and (8)" following "2008.71". į,
- Section 2008.72(e)(4), add "subsections (c)(1), (2), (8) and (10) of Section" following "in" on the sixth line, strike "Sections" and also strike "(c)(1), (2), (8) and (10)" following "2008.71". Ĵ
- Section" following "in" on the sixth line, strike "Sections" and also strike "(c)(1), (2), (8) and (9)" following "2008.71". of (6) and Section 2008.72(e)(5), add "subsections (c)(1), (2), (8) ×
- section 2008.72(e)(6), add "<u>subsections (c)(1), (2), (3), (5) and (8) of Section</u>" following "in" on the seventh line, strike "Sections" and also strike "(c)(1), (2), (3), (5) and 8) following "2008.71". 1
- the r o Section 2008.72(e)(7), add "subsection (b) of" following "in" Ê

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

fifth line and delete "(b)" following "2008.71". Add "subsection (c)(1), (2), (3), (5) and (8) of." following "in" on the ninth line and also delete "(c)(1), (2), (3), (5) and (8)" following "2008.71".

- n) Section 2008.72(e)(8), add "subsections (c)(1), (2), (4), (8) and (10).

 of Section" following "in" on the seventh line, strike "Sections" and also strike "(c)(1), (2), (4), (8) and (10)" following "2008.71".
- o) Section 2008.72(e)(9), add "subsections (c)(1), (2), (6) and (8) of Section" following "in" on the sixth line, strike "Sections" and also strike "(c)(1), (2), (6) and (8)" following "2008.71".
- p) Section 2008.72(e)(10), add "subsections (c)(1), (2), (5), (6), (8) and (10) of Section" following "in" on the seventh line, strike "Sections" and also strike "(c)(1), (2), (5), (6), (8) and (10)" following "2008.71".
- q) Section 2008.72(e)(11), add "subsections (c)(1), (2), (3), (5), (7),
 (8), (9) and (10) of Section" following "in" on the ninth line, strike
 "Sections" and also strike "(c)(1), (2), (3), (5), (7), (8), (9) and
 (10)" following "2008.71".
- fifth line and delete "(b)" following "2008.71". Add "<u>subsections</u> (c)(1), (2), (8) and (10) of" following "2008.71". Add "<u>subsections</u> (c)(1), (2), (8) and (10) of" following "in" on the eleventh line and also delete "(c)(1), (2), (8) and (10)" following "2008.71".
- s) Section 2008.75(b)(1), delete the semicolon following "individual" on the fifth line and add "or the individual is enrolled under an employer welfare benefit plan that is primary to Medicare and the plan terminates or the plan ceases to provide all health benefits to the individual because the individual leaves the plan:"
- consists of the January 1, 2002, an individual may discontinue an election of a Medicare+Choice plan offered by a Medicare+Choice organization other Section 2008.75(b)(2), on the third line, delete "and there are circumstances permitting discontinuance of the individual's election circumstances apply" in lieu thereof. Also delete "Effective as of than during an annual, coordinated election period [under Medicare] and make a new election under Section 1851(e)(4) of the federal Social of the plan under the first sentence of Section 1851(e)(4) of "Medicare," and add "any of which 05-33) (P.L. Security Act (P.L. 105-33) if:". Social Security Act following following" federal t)
- u) Section 2008.75(b)(3), on the third line, delete "the first sentence of Section 1851(e)(4) of the federal Social Security Act as delineated above in".

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- v) Section 2008.75 (b)(4)(A), delete "or" following the semicolon.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes, with the exception of agreement item #3. Please see number (11)(c) above for the correct change.
- 13) Will this amendment replace an emergency rule currently in effect? N
- 14) Are there any amendments pending on this Part? N
- Summary and Purpose of rulemaking: The Department is initiating these amendments in order to update our regulatory standards so they are consistent with both Federal law and the latest NAIC model regulation on Medicare Supplement insurance.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Fritz
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-7350

The full text of the Adopted Amendments begins on the next page:

SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCE CHAPTER I: DEPARTMENT OF INSURANCE TITLE 50: INSURANCE

AND GROUP MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS FOR INDIVIDUAL PART 2008

Minimum Benefit Standards for Policies or Certificates Issued for Benefit Standards. for Policies or Certificates Issued or Delivered Benefit Conversion Requirements During Transition (Repealed) Delivery Prior to the Effective Date of this Part on or After the Effective Date of this Part Standard Medicare Supplement Benefit Plans Medicare Select Policies and Certificates Guaranteed Issue for Eligible Persons Policy Definitions and Terms Applicability and Scope Creditable Coverage Policy Provisions Open Enrollment Definitions Authority Section 2008.61 2008.10 2008.20 2008,30 2008.40 008.45 008.50 2008.60 2008.70 2008.71 2008.75 2008.72 2008.73 2008.74

Filing and Approval of Policies and Certificates and Premium Rates Loss Ratio Standards and Refund or Credit of Premium Permitted Compensation Arrangements Required Disclosure Provisions Standards for Claims Payment 2008.7675 2008.90 2008.80 2008.81 2008.82

Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Requirements for Application Forms and Replacement Coverage Standards for Marketing Medicare 2008,100 2008.101

Appropriateness of Recommended Purchase and Excessive Insurance Reporting of Multiple Policies 2008.102 2008,103

Elimination Periods and Probationary Periods in Replacement Policies Conditions, Waiting Periods, Against Preexisting Prohibition 2008.104

Effective Date (Repealed) Policy Checklist or Certificates Severability APPENDIX A APPENDIX B 2008.110 2008.120

Outline of Medicare Supplement Coverage-Cover Page Plan A

Plan C Plan D Plan B APPENDIX C

APPENDIX F

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Plan E Plan F or High Deductible Plan F* Plan J or High Deductible Plan J* Plan H Plan G Plan I υĦ APPENDIX APPENDIX APPENDIX

Notice to Applicant Regarding Replacement Sickness Insurance APPENDIX

Accident and

of

Medicare Supplement Refund Calculation Format Notice of Medicare Changes 0 APPENDIX

Medicare Supplement Policies Report Disclosure Statements APPENDIX Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401]. AUTHORITY:

effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8520, effective May 23, 1989; amended at 14 Ill. Reg. 19243, effective November 27, 1990; amended at 16 Ill. Reg. 2766, effective February 11, 1992; corrected 11469, effective July 9, 1993; amended at 20 Ill., Reg. 6393, effective 28, 1996; amended at 23 Ill. Reg. 1, 1992, for a maximum of 150 days; emergency expired April 29, 1993; amended at 17 Ill. SOURCE: Adopted at 6 Ill. Reg. 7115, effective June 1, 1982 and January 1, 1983; codified at 7 Ill. Reg. 3474; emergency amendment at 13 Ill. Reg. 586, at 16 Ill. Reg. 3590; amended at 16 Ill. Reg. 15452, effective September 29, 1992; emergency amendment at 16 Ill. Reg. 19226, effective December Reg. April 28, 1996; Reg.

Section 2008.30 Applicability and Scope

2008.80, 2008.81, 2008.90 and 2008.103 of this Part, this Except as otherwise specifically provided in Sections 2008.70, 2008.76 Part shall apply to: 2000-75, a

All Medicare supplement policies delivered or issued for delivery in this State on or after June 1, 1982, and

which policies or contracts have been delivered or issued for All certificates issued under group Medicare supplement policies, delivery in this State. 2)

Part shall not apply to: This (q

"Accident Only" or "Specified Disease" types of policies (Section 363(1)(b) of the Illinois Insurance Code (the Code)), or 1

Policies or health care benefit plans, including group conversion policies, provided to Medicare eligible persons, which policies or plans are not marketed or purported or held to be Medicare supplement policies or benefit plans (Section 363(1)(b) of the Code), or 5)

organizations, or of the trustees of a fund established by one or or more employers or of one or contract A policy 3

NOTICE OF ADOPTED AMENDMENTS

employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

23 MAR 1 0 1999 Amended (Source:

Reg.

111,

171° 141 \$ C 100

effective

Section 2008.40 Definitions

For the purposes of this Part:

Applicant means:

proposed an individual Medicare supplement policy, the person who seeks to contract for insurance benefits; and the in the case of a group Medicare supplement policy, certificateholder (Section 363(2)(a) of the Code). of the case

declaration of bankruptcy and has ceased doing business in this State. Bankruptcy means when a Medicare+Choice organization that is not an petition or has had filed against it, a issuer has filed,

or issued for delivery in this State under a group Medicare supplement policy (Section 363(2)(b) Certificate means any certificate delivered

Certificate Form means the form on which the certificate is delivered or issued for delivery by the issuer.

an individual was covered by creditable coverage, if during the period Continuous Period of Creditable Coverage means the period during which of coverage the individual had no breaks in coverage greater than 63 days.

Code means the Illinois Insurance Code and any of the Acts in Chapter 215 of the Illinois Compiled Statutes. {215-Ines-5/1-et-seq:}- Employee Welfare Benefit Plan means a plan, fund or program of employee benefits as defined in 29 USC 1002 (Employee Retirement Income Security Act). Insolvency means when an issuer, licensed to transact the business of insurance in this State, has had a final order of liquidation entered against it with a finding of insolvency by a court of competent jurisdiction in the issuer's state of domicile.

care service plans, and any other entity delivering or issuing companies, fraternal benefit societies, Issuer includes insurance health

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or policies supplement Medicare in this State delivery certificates.

the Social Security Amendments of 1965, as then constituted or later Medicare means the "Health Insurance for the Aged Act", Title XVIII of amended. Medicare+Choice Plan means a plan of coverage for health benefits under Medicare Part C as defined in Section 1859 found in Title IV, Subtitle A, Chapter 1 of P.L. 105-33, and includes:

including but not limited to health maintenance organization plans (with or without a point-of-service option) and preferred Coordinated care plans which provide health care services, provider organization plans;

contribution into a Medicare+Choice medical savings account; and Medicare medical savings account plans coupled with

Medicare+Choice private fee-for-service plans.

1395 et seq.) or an issued policy under a demonstration project specified in 42 \overline{USC} Ψ + Θ + Θ + Θ F Section 1395ss(g)(1) which is advertised, Medicare Supplement Policy means a group or individual policy of (of hospital and medical service associations or -- health -- maintenance organizations) other than a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act (42 USC 0.5-6-Section marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons or a subscriber contract eligible for Medicare (Section 363(2)(c) of the Code). (accident and sickness) insurance

Policy Form means the form on which the policy is delivered or issued for delivery by the issuer. 팅 United States Department the Jo. Secretary means the Secretary Health and Human Services.

23 a t MAR 1 0 1999 (Source: Amended

Reg. 111.

ŧ, į 40 % B

effective

Section 2008.45 Creditable coverage

Creditable coverage means:

- With respect to an individual, coverage of the individual provided under any of the following: a
 - A group health plan:
- Health insurance coverage;

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Title XIX of the Social Security Act (Medicaid), other than 4)

or Part B of Title XVIII of the Social Security Act

3)

- coverage consisting solely of benefits under Section 1928;
- the Indian Health Service or of a Chapter 55 (CHAMPUS) (10 USC); A medical care program of tribal organization; 5
 - A state health benefits risk pool;
- A health plan offered under Chapter 89 (Federal Employees Health Benefits Program) (5 USC); 73
 - A public health plan as defined in federal regulation; and
 - benefit plan under Section 5(e) of the Peace Corps Act (22 USC 2504(3)). health 10)
 - Creditable coverage shall not include one or more, or any combination, of the following: 9
- Coverage only for accident and disability income insurance, any combination thereof;
- insurance, including general liability insurance and Coverage issued as a supplement to liability insurance; 35
 - automobile liability insurance;
- Workers' compensation or similar insurance;
 - Automobile medical payment insurance; Credit-only insurance;
- under which benefits for medical care are secondary in specified Coverage for on-site medical clinics; and coverage, insurance Other similar regulations, 4일의되의
 - are provided under a separate policy, certificate or contract of Creditable coverage shall not include the following benefits insurance or are otherwise not an integral part of the plan: or incidental to other insurance benefits. 6
 - Limited scope dental or vision benefits; Benefits for traditional long-term o 12
- care partnership insurance, nursing home care, home health care, care or long-term community-based care, or any combination thereof; and traditional long-term
- Such other similar, limited benefits as are specified in federal regulations. 3
- Creditable coverage shall not include the following benefits if offered as independent, noncoordinated benefits: ģ
- Coverage only for a specified disease or illness; and
- Hospital indemnity or other fixed indemnity insurance.
- as a separate policy, certificate or contract of insurance: Creditable coverage shall not include the following if it (e
- Coverage supplemental to the coverage provided under Chapter 1882(q)(1) of the Social Security Act; 5

Medicare supplemental health insurance as defined under Section

7

- Similar supplemental coverage provided under a group health plan.

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effective . 17 Reg. 111. 23 Added at Source:

Section 2008.72 Standard Medicare Supplement Benefit Plans

- certificateholder a policy form or certificate form containing only policyholder and the basic "core" benefits, as defined in Section 2008.71 of this Part. An issuer shall make available to each prospective (E
 - No groups, packages or combinations of Medicare supplement benefits other than those listed in this Section shall be offered for sale in this State, except as may be permitted in subsection (c)(11) Section Sections 2008.71(c)(t) and Section 2008.73 of this Part. (q
- format to the standard benefit plans listed in subsection (e) of this Each benefit shall be structured in accordance with the format provided in subsections (b) and (c) of Section Sections 2008.71(b)--and--(c) and list the benefits in the order shown in Appendix B of this Part. For purposes of this Section, "structure, language, and format" means style, arrangement and overall content of Benefit plans shall be uniform in structure, language, designation and Section below and conform to the definitions in Section 2008.40 of this Part. a benefit. ς 0
- designations required in subsection (c) of this Section above, other designations An issuer may use, in addition to the benefit plan to the extent permitted by law. q)
 - Make-up of benefit plans: (e
- Plans, as defined in subsection (b) of Section 2008.71(b) of this Standardized Medicare supplement benefit plan "A" shall be limited to the Basic ("Core") Benefits Common to all Benefit 7
- of Section 2008.71(b) of this Part, plus the Medicare Part A Standardized Medicare supplement benefit plan "B" shall include only the following: The Core Benefit as defined in subsection Section (c)(1) subsection in 2008.71(c)(t) of this Part. Deductible as defined (p) 2)
- Deductible and Medically Necessary Emergency Care in a Foreign Country as defined in subsections (c)(1), (2), (3) and (8) of Standardized Medicare supplement benefit plan "C" shall include (b) of Section 2008.71(b) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medicare Part B only the following: The Core Benefit as defined in subsection Section Sections 2008.71(c)(1),-(2),-(3)-and--(8) of 3)
- (b) of Section 2008.71(b) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medically Necessary Emergency Care in a Foreign Country and the At-Home Recovery Standardized Medicare supplement benefit plan "D" shall include only the following: The Core Benefit as defined in subsection Benefit as defined in subsections (c)(1), (2), (8) and (10) of 4)

respectively.

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Section Sections $2008.71\{e\}\{1\},\cdots\{2\},\cdots\{4\}$ -and- $\{10\}$ of this Part respectively.

5) Standardized Medicare supplement benefit plan "E" shall include only the following: The Core Benefit as defined in <u>subsection</u>
(b) of Section 2008.71(t) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medically Necessary Emergency Care in a Foreign Country and Preventive Medical Care as defined in <u>subsections</u> (c)(1), (2), (8) and (9) of Section Sec

6) Standardized Medicare supplement benefit plan "F" shall include only the following: The Core Benefit as defined in <u>subsection</u>
(b) of Section 2008.71{b} of this Part, plus the Medicare Part A Deductible, the Skilled Nursing Facility Care, the Part B Deductible, One-Hundred-Percent-(100%) of the Medicare Part B Excess Charges, and Medically Necessary Emergency Care in a Foreign Country as defined in <u>subsections</u> (c)(1), (2), (3), (5) and (8) of Section Sections 2008.71{c}{t}*r-{2}*r-{3}*r-{5}*r-{6}*d+{6}*f of this Part respectively.

Medicare supplement plan "F" policy, and shall be in addition to period ending with August of the preceding year, and rounded to Standardized Medicare supplement benefit high deductible plan "F*" shall include only the following: 100% of covered expenses The covered expenses include the Core Benefit as and (8) of Section 2008.71 respectively. The annual high "F*" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the deductible plan "F*" deductible shall be \$1500 for 1998 and 1999, It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12 month the Medicare Part A deductible, Skilled Nursing Facility Care, Excess Charges, and Medically Necessary Emergency Care in a the Medicare Part B deductible, 100% of the Medicare Part Foreign Country as defined in subsections (c)(1), (2), (3), following the payment of the annual high deductible plan defined in subsection (b) of Section 2008.71 of this any other specific benefit deductibles. The be based on the calendar year. the nearest multiple of \$10. deductible plan deductible. and shall 7

9)7 Standardized Medicare supplement benefit plan "G" shall include only the following: The Core Benefit as defined in <u>subsection</u> (b) of Section 2008.71{\$\cupebp\$} of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Bighty-Percent-{808} of the Medicare Part B Excess Charges, Medically Necessary Emergency Care in a Foreign Country, and the At-Home Recovery Benefit as defined in <u>subsections</u> (c)(1), (2), (4), (8) and (10) of Section Sections 2008.71{\$\cupebpsilon\$} fit); (2), (4), (8) and (10) Part respectively.

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of only the following: The Core Benefit plan "H" shall consist of only the following: The Core Benefit as defined in <u>subsection</u>
(b) of Section 2008.71{tb} of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Basic Prescription Drug Benefit and Medically Necessary Emergency Care in a Foreign Country as defined in <u>subsections</u> (c)(1), (2), (6) and (8) of Section Sections 2008.71{c}{t}{t}{+}{7}{7}{t}{6}{7}-and-{t}{9} of this Part respectively.

10)99 Standardized Medicare supplement benefit plan "I" shall consist of only the following: The Core Benefit as defined in <u>subsection</u>
(b) of Section 2008.71(4) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, One-Hundred-Percent-(100%) of the Medicare Part B Excess Charges, Basic Prescription Drug Benefit, Medically Necessary Emergency Care in a Foreign Country and At-Home Recovery Benefit as defined in <u>subsections</u>
(c)(1), (2), (5), (6), (8) and (10) of Section Sections
2008.71(4)(1), ---(2),---(5),--(6),--(4)-and--(14) of this Part respectively.

11)±0+ Standardized Medicare supplement benefit plan "J" shall consist of only the following: The Core Benefit as defined in subsection (b) of Section 2008.71+6+ of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medicare Part B Leuchible, Ghe-Hundred-Percent-(100%) of the Medicare Part B Excess Charges, Extended Prescription Drug Benefit, Medically Necessary Emergency Care in a Foreign Country, Preventive Medical Care and At-Home Recovery Benefit as defined in subsections (c)(1), (2), (3), (5), (7), (8), (9) and (10) of Section Sections Part respectively.

expenses following the payment of the annual high deductible plan The covered expenses include the Core Benefit Preventive Medical Care Benefit and At-Home Recovery Benefit as premiums, for services covered by the Medicare supplement plan in addition to any other specific Standardized Medicare supplement benefit high deductible plan "J*" shall consist of only the following: 100% of covered plus the Medicare Part A deductible, Skilled Nursing Facility of Section The annual deductible shall be \$1500 for be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for Excess Charges, Extended Outpationt Prescription Drug Benefit, The annual high deductible plan "J*" Care, Medicare Part B deductible, 100% of the Medicare Part deductible shall consist of out-of-pocket expenses, other Foreign 1998 and 1999, and shall be based on a calendar year. as defined in subsection (b) of Section 2008.71 of defined in subsections (c)(1), (2), (8) and Medically Necessary Emergency Care in a "J*" policy, and shall be 2008.71 respectively. benefit deductible. deductible. 12)

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the 12 month period ending with August of the preceding year, and rounded to the nearest multiple of \$10

effective M Reg. 111. Amended 1999 at (Source:

Section 2008.74 Open Enrollment

- State, nor discriminate in the pricing of such a policy or certificate medical condition of an applicant in the case of an because of the health status, claims experience, receipt of health application for a policy or certificate that is submitted prior to or month in which an individual is both 65 years of age or older and is made available to all applicants who qualify under this subsection No issuer shall deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall during the six-{ 6} month period beginning with the first day of without regard to age. a)
 - submits an application during the time period referenced in subsection Section and (a) of this Section and, as of the date of application, has had a If an applicant qualifies under subsection (a) of this continuous period of creditable coverage: a
 - Of at least 6 months, the issuer shall not exclude benefits based 7
- on a preexisting condition, or That is less than 6 months, the issuer shall reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The Secretary shall specify the manner 7

the reduction under this subsection (b)(2).

C)b) Except as otherwise provided in subsection (b) of this Section or Section 2008.104 of this Part, subsection (a) of this Section shall construed as preventing the exclusion of benefits under a policy, during the first ***** 6 months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the six-{ 6} months before the coverage became effective. not be

effective 54 [6] Reg. 111. 23 Amended at (Source:

Section 2008.75 Guaranteed Issue for Eligible Persons

eligible persons who meet the requirements of this Section effective July 1, 1998. to Section 1851(q) of the federal Social Security Act (P.L. 105-33) all Medicare supplement insurance policies shall be quaranteed issue Pursuant

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a)

- Section, and who submit evidence of the date of termination or disenrollment with in subsection (b) of this Section who apply to enroll under the policy not the date of the termination Eligible persons are those individuals described the application for a Medicare supplement policy. enrollment described in subsection (b) of this later than 63 days after
 - condition the issuance or effectiveness of any Medicare this Section that is offered and is available for issuance to new enrollees by the issuer; shall not discriminate in the pricing of policy because of health status, claims experience, receipt of health care, or medical condition; and shall not impose an exclusion of benefits based on a With respect to eligible persons, an issuer shall not deny or preexisting condition under such a Medicare supplement policy. supplement policy or certificate described in subsection (c) such a Medicare supplement 5
- Eligible person is an individual described in any of the following a
- s primary to Medicare and the plan terminates or the plan The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all such supplemental health benefits to the individual or the individual is enrolled under an employee welfare benefit plan ceases to provide all health benefits to the individual because the individual leaves the plan;
- The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, any of the following circumstances apply: 2)
 - terminated or the organization has terminated or otherwise discontinued providing the plan in the area in which the certification The organization's or plan's individual resides; A
- has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under Section The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary. 1856), or the plan is terminated for all individuals within enrollment on the basis described in Section 1851(g)(3)(B) the federal Social Security Act (where the individual the individual termination including a residence area; not E
 - The individual demonstrates, in accordance with guidelines established by the Secretary, that: J
- substantially provision of the organization's contract in relation to the individual, including the The organization offering the plan violated a material

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failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

- ii) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or
- The individual meets such other exceptional conditions as the Secretary may provide;
 - 3) The individual's enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under subsection (b)(2) of this Section and they enrolled under:
- A) An eligible organization under a contract under Section 1876 (Medicare risk or cost);
- B) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;
- C) An organization under an agreement under Section 1833(a)(1)(A) (health care prepayment plan); or
- D) An organization under a Medicare Select policy; 4) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:
- A) Of the insolvency of the issuer or bankruptcy of the nonissuer organization;
- B) Of other involuntary termination of coverage or enrollment under the policy;
 - C) The issuer of the policy substantially violated a material provision of the policy; or
- D) The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;
 - Medicare+Choice plan under Part C of Medicare, any eligible months of such subsequent enrollment (during which the enrollee individual was enrolled under a Medicare supplement policy organization under a contract under Section 1876 (Medicare risk or cost), any similar organization operating under demonstration terminated by the enrollee during any period within the first 12 and terminated enrollment and subsequently enrolls, for the first project authority, an organization under an agreement under Section 1833(a)(1)(A) (health care prepayment plan), or policy; and the subsequent enrollment with any Medicare+Choice organization under Section 1851(e) of the federal Social Security Act); or terminate such subsequent Medicare Select is permitted to 2
 - 6) The individual, upon first enrolling under Part B of Medicare at age 65 or older, enrolls in a Medicare+Choice plan under Part C

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of Medicare, and disenrolls from the plan by not later than 12 months after the effective date of enrollment.

Products to Which Eligible Persons are Entitled

5

- The Medicare supplement policy to which eliqible persons are entitled under:

 1) Subsection (b)(1), (2), (3), and (4) of this Section is a Medicare supplement policy which has a benefit package classified
- Medicare supplement policy which has a benefit package classified as Plan A, B, C, Or F offered by any issuer.
- 2) Subsection (b)(5) of this Section is the same Medicare supplement policy in which the individual was most recently previously encolled, if available from the same issuer, or, if not available, a policy described in subsection (c)(1) of this
- 3) Subsection (b)(6) of this Section shall include any Medicare supplement policy offered by any issuer.
 - d) Notification Provisions
- At the time of an event described in subsection (b) of this Section, because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the plan being terminated, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under subsection (a) of this Section. Such notice shall be communicated contemporaneously with the notification of termination.
- offers the contract or agreement, regardless of the basis for the issuers of Medicare supplement policies under communicated within 10 working days after the issuer receives contract or agreement, policy, or plan, the organization that Section, because of which an individual ceases enrollment under cessation of enrollment, the issuer offering the policy, or administrator of the plan, respectively, shall notify individual of his or her rights under this Section, and of shall At the time of an event described in subsection (b) notice Such this Section. notification of disenrollment. subsection (a) of obligations 7

Section 2008.75 added at 23 Ill. Reg. Of A reflective MAR 1 0 1999

Section 2008. 7675 Standards for Claims Payment

a) An issuer shall comply with Section 1882(c)(3) of the Social Security Act (as enacted by Section 4081(b)(2)(C) of the Omnibus Budget Reconciliation Act of 1987 (OBRA) (P.L. 100-203)) by:

NOTICE OF ADOPTED AMENDMENTS

- claims submitted by participating physicians and suppliers as a claim for benefits in place of any other claim form otherwise Accepting a notice from a Medicare carrier on dually assigned and making a payment determination on the basis of the information contained in that notice; 7
 - Notifying the participating physician or supplier and beneficiary of the payment determination; 5)
 - Paying the participating physician or supplier directly; 3)
- Furnishing, at the time of enrollment, each enrollee with a card listing the policy name, number, and a central mailing address to which notices from a Medicare carrier may be sent;
- transmitted Paying user fees for claim notices that are electronically or otherwise; and 2)
- a central mailing address to which all claims may be Providing to the Secretary of Health and Human Services, at least sent by Medicare carriers. annually, (9
- Section shall be certified on the Medicare supplement insurance Compliance with the requirements set forth in subsection (a) experience reporting form found in Appendix P of this Part. (q

(Sourge, Renumbered from Section 2008.75 and amended at 23 Ill. Reg. (Sourge, Reflective MAD 1 0 1999) MAR 1 0 1999

Section 2008.80 Loss Ratio Standards and Refund or Credit of Premium

Loss Ratio Standards. а Э

- provided under the policy form or certificate form, calculated on the basis of incurred claims experience or incurred health care certificate form can be expected, as estimated for the entire aggregate benefits (not including anticipated refunds or credits) by a health maintenance organization on a service rather than reimbursement basis and earned premiums for such period and in accordance with accepted A Medicare supplement policy form or certificate form shall not return to policyholders and certificateholders in the form of be delivered or issued for delivery unless the policy form to provide coverage, expenses where coverage is provided period for which rates are computed actuarial principles and practices: 7
 - A) At least 75% of the aggregate amount of premiums earned the case of group policies; or
 - least 65% of the aggregate amount of premiums earned in the case of individual policies. (A
- be made in requirements of this Section when combined with actual experience compliance with 50 Ill. Adm. Code 916 and shall demonstrate that to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period expected claims in relation to premiums comply All filings of rates and rating schedules shall 5)

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revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

- For purposes of applying subsection (a) of this Section and Section Subsection 2008.81(c)(2) of this Part, policies issued as a result of solicitations of individuals through the mails or by and broadcast advertising) shall be deemed to be individual policies. mass media advertising (including both print 3
- For policies issued prior to April 28, 1996 the effective date of this-Part, expected claims in relation to premiums shall meet: 4)
 - The originally filed anticipated loss ratio when combined with the actual experience since inception; æ
- The appropriate loss ratio requirement from subsections (a)(1)(A) and (B) of this Section when combined with actual experience beginning April 28, 1996 to date; and a)
- The appropriate loss ratio requirement from subsections (a)(1)(A) and (B) of this Section over the entire future period for which the rates are computed to provide coverage. Û
 - Refund or Credit Calculation Q Q
- shall collect and file with the Director by May 31 of each year the data contained in Appendix N of this Part for each type in a standard Medicare supplement benefit plan. An issuer 1)
- or credit If, on the basis of the experience as reported, the benchmark ratio since inception (ratio 1) exceeds the adjusted experience be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be ratio since inception (ratio 3), then a refund calculation is required. The refund calculation shall excluded. 2)
- For the purposes of this Section, on policies or certificates issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual policies combined for experience after April 28, 1996. The first loss ratio standard when issued) combined and all other such report shall be due by May 31, 1998. issued prior to November 5, 1991, the 3)
- A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. Such to the date of the refund or credit at a rate specified by the be less than the average rate of interest for 13-week Treasury September 30 following the experience year upon which the refund notes. A refund or credit against premiums due shall be made Secretary of Health and Human Services, but in no event shall refund shall include interest from the end of the calendar or credit is based. 4)
- Annual Filing of Premium Rates G G
- in An issuer of Medicare supplement policies and certificates issued

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annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the Director in accordance with the filling requirements and procedures prescribed by the Director. The supporting documentation shall also demonstrate, in accordance with actuarial standards of practice using reasonable assumptions, that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. Such demonstration shall is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three--f

As soon as practicable, but prior to the effective date of revisions enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this State shall file with the Department:

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 Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. Such supporting documents as are necessary to justify the adjustment shall accompany the filing.

An issuer shall make such premium adjustments as are necessary to or certificate as will conform with minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss least as great as that originally anticipated in the rates used to produce current premiums by the issuer for such No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made respect to a policy at any time other than upon its renewal supplement policies or certificates. produce an expected loss ratio under such policy date or anniversary date. Medicare with 5)

3) If an issuer fails to make premium adjustments acceptable to the Director, the Director may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this Section.

4) Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. Such riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

e) Public Hearings

The Director may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after the effective date of this Part if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without

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consideration of any refund or credit for such reporting period.

(Source: Amended at 23 III. Reg. 3704 : effective

Section 2008.82 Permitted Compensation Arrangements

- a) An issuer or other entity may provide commission or other compensation to an insurance producer for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200-percent-(200%) of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.
- b) The commission or other compensation provided in subsequent (renewal) years must be the same as that provided in the second year or period and must be provided for no fewer than five renewal years.
- c) No issuer or other entity shall provide compensation to its insurance producers and no insurance producer shall receive compensation greater than the renewal compensation payable by the replacing issuer on renewal policies or certificates if an existing policy or certificate is replaced.
- d) For purposes of this Section, "compensation" includes pecuniary or non-pecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including but not limited to bonuses, gifts, prizes, awards and finders fees.

(Source: Amended 1994 23 Ill. Reg. 970 0 2 2 effective

Section 2008.90 Required Disclosure Provisions

- a) General Rules
- 1) Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of such provision must be consistent with the type of contract issued. Such provision shall be appropriately captioned and shall appear on the first page of the policy and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age.
- a request made in writing by the insured or exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the

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insured. After the date of policy or certificate issue, any rider or endorsement which increases benefits or coverage with an accompanying increase in premium during the policy term shall be benefits are required by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, except if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the

3) Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import.

 If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

bedicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within thirty—(30) days of its delivery and to have the premium refunded directly to him or her in a timely manner if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis to a person(s) eligible for Medicare People with Medicare approved by the Director of Insurance and in type size no smaller than 12 point type. Delivery of the Guide shall be made whether or not such policies or certificates are advertised, solicited or issued as Medicare supplement policies response issuers shall deliver the Guide to the applicant upon shall provide to those applicants a Guide to Health Insurance for or certificates as defined in this Part. Except in the case of the applicant at the time of application and acknowledgement of Direct request but not later than at the time the policy is delivered. direct response issuers, delivery of the Guide shall be made the issuer. receipt of the Guide shall be obtained by (9

b) Identification Cards. Identification cards provided to the policyholer(s) must reflect the name of the issuer rather than a corporate name and must also identify which plan coverage is being provided to the policyholder.

In order to determine what policy or certificate is appropriate and nonduplicative, a policy checklist must be completed in the presence of the applicant at the point of sale. Copies of the

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checklist, completed and duly signed are to be provided to the applicant and the issuer. This requirement does not apply to direct response solicitations.

The checklist required by subsection (c) (b)(1) of this Section above shall provide substantially the form prescribed in Appendix A of this Part.

3) Issuers issuing Medicare supplement policies for delivery in this State shall not issue a Medicare supplement policy unless all information requested in the policy checklist is provided.

d)et Notice Requirements

1) As soon as practicable, but no later than thirty-f 30; days prior to the annual effective date of Medicare benefit changes, an insurer shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in the format prescribed in Appendix Of this Part. Such notice shall:

A) Include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate, and

3) Inform each policyholder or certificateholder as to when any premium adjustment is to be made due to changes in Medicare.

2) The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension. This notice shall be plainly printed in no smaller than twelve-(12) point type.

 Such notices shall not contain or be accompanied by a solicitation.

eld+ Outline of Coverage Requirements for Medicare Supplement Policies

1) Issuers shall provide an outline of coverage to all applicants at the time the application is presented to the prospective applicant, and except for direct response policies, shall obtain an acknowledgement of receipt of such outline from the applicant.

and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany such policy or certificate when it is delivered and contain the following statement, in no less than twelver (12) point type, immediately above the company name:

NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application, and the coverage originally applied for has not been issued.

3) In addition to the statement required by subsection (e)(4)(2) of this Section, each revised outline of coverage accompanying a policy or certificate issued on a basis other than that originally applied for, shall contain the following notice

NOTICE OF ADOPTED AMENDMENTS

appearing in no less than twelve-(12) point type:

WARNING: The (policy or certificate) you have received is not the same as the one for which you made application.

- The outline of coverage provided to applicants pursuant to this shown on the cover page, and the plan(s) that are offered by the issuer shall be prominently identified. Premium information for that are offered to the prospective applicant. All possible premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. Please see Appendix B of this Part. The outline of coverage shall be in the language and format prescribed in Appendix B in no less than twelve--- 127 point type. All plans A through J* 4A-f* shall be plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans (e)(4) shall consist of four parts: a cover page, premiums for the prospective applicant shall be illustrated. 4
- this Part. The term "certificate" should be substituted for the The outline of coverage shall follow the format in Appendix B of of coverage "policy" throughout the outline appropriate. word 2)

flet Notice Regarding Policies or Certificates Which are Not Medicare Supplement Policies

than a Medicare supplement policy, a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if 1) Any accident and sickness insurance policy or certificate, other or other policy identified in Section 2008.30(b)(3) of this Part issued for delivery in this State to persons eligible for Medicare, shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. The notice outline of coverage is delivered, to the first page of the policy or certificate delivered to insureds. The notice shall be in no less than twelve-{ 12} point type and shall contain the (42 USC W-S-C., Section 1395 et seq.), disability income policy,

(POLICY OR CERTIFICATE). IT DOES NOT FULLY SUPPLEMENT YOUR FEDERAL MEDICARE HEALTH INSURANCE. If you are eligible for Medicare, review the Guide to Health Insurance for People THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT with Medicare available from the company. following language:

(f)(1) of this Section (e)(1)-above shall disclose the extent to applications provided to persons eligible for Medicare for the health insurance policies or certificates described in subsection which the policy duplicates Medicare. The disclosure statement be provided as part of, or together with, the application Using the applicable statement found in Appendix Q of this Part, 5

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for the policy or certificate.

9) +> Filing Requirements for Advertising

shall provide a copy of any Medicare supplement advertisement intended this State whether through written, radio or television medium to the Director of Insurance of this State for review by the An issuer of Medicare supplement insurance or benefits in this State Director to the extent it may be required under State law.

effective Reg. 111. MAR 1 0 1999 (Source: Amended

Section 2008.91 Instructions for Use of the Disclosure Statements for Health

Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare

- benefits unless the policy will pay benefits without regard to other Section 1882(d) of the federal Social Security Act Federal-law,-P.b. 183-4327 prohibits the sale of health insurance policies (the term policy or policies includes certificates) that duplicate Medicare includes the prescribed disclosure statement on, or together with, the application. health coverage and the policy
 - All types of health insurance policies that duplicate Medicare shall include one of the disclosure statements found in Appendix Q of this statement may not vary from those found in Appendix Q of this Part in of language or format (type size, type proportional spacing, bold character, line spacing, and usage of boxes around text). Part, according to the particular policy type involved, together with the application. or application (q
- State and Federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy except as a replacement. c)
 - Property/Casualty and Life insurance policies are not considered health insurance. q)
- Disability income policies are not considered to provide benefits that duplicate Medicare. ()
- Long-Term Care or Long-Term Care Partnership insurance policies that coordinate with Medicare and other health insurance are not considered to provide benefits that duplicate Medicare. Traditional £)

g)f The Federal law does not preempt Illinois law.

- h)g+ The Federal law does not preempt existing Illinois form filing requirements.
- Section 1882 of the federal Social Security Act was amended in subsection (d)(3)(A) to allow for alternative disclosure statements. issuers should use either the original disclosure statements found in Appendix Q of this Part or the alternative disclosure use either disclosure statements with the requisite insurance product. The disclosure statements already in Appendix Q remain. statements, not use both simultaneously. ij

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effective 8700 = E. Reg. 111. 23 at MAR 1 0 1999 (Source: Amended

Section 2008.100 Requirements for Application Forms and Replacement Coverage

the applicant has another Medicare supplement or other health insurance policy or certificate in force or whether a Medicare questions designed to supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and insurance producer containing such questions and statements may be elicit information as to whether, as of the date of the application, Application forms shall include the following (a)

STATEMENTS]:

- You do not need more than one Medicare supplement policy. 7)
- you purchase this policy, you may want to evaluate your need multiple if you decide health coverage and coverages. existing
- You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy. 3)
- during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days after becoming eligible for Medicaid. reinstituted if requested within 90 days after losing Medicaid The benefits and premiums under your Medicare supplement policy If you are no longer entitled to Medicaid, your policy can be suspended, if requested, eligibility. 4)
- Counseling services may be available in this State to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the State Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB). 2

[QUESTIONS]

To the best of your knowledge,

- in Do you have another Medicare supplement policy or certificate force? 1
- A) If so, with which company?
- If so, do you intend to replace your current Medicare provides Do you have any other health insurance coverage that supplement policy with this policy (certificate)? 5
 - benefits similar to this Medicare supplement policy? A) If so, with which company?

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- NOTICE OF ADOPTED AMENDMENTS
- Are you covered for medical assistance through the State Medicaid What kind of policy? 3)
- As a Specified Low Income Medicare Beneficiary (SLMB)?

A

- As a Qualified Medicare Beneficiary (QMB)?
 - For other Medicaid medical benefits? Û
- Insurance producers Agents shall list any other health insurance policies they have sold to the applicant. Q Q
 - List policies sold which are still in force.
- 20 In the case of a direct response issuer, a copy of the application or acknowledged by the insurer, shall be returned to the applicant by the insurer upon are List policies sold in the past five-- 57 years which supplemental form, signed by the applicant and longer in force. ô
- Upon determining that a sale will involve replacement of Medicare notice signed by the applicant and the insurance producer shall be retained by the issuer. A direct response issuer shall deliver to the applicant at the time of the issuance of the policy the notice supplement, an issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding provided to the applicant and an additional signed copy shall be regarding replacement of accident and sickness coverage in the form replacement of accident and sickness coverage. One copy prescribed in Appendix M of this Part. delivery of the policy. q
- The notice required by subsection (d) above for an issuer, other than a direct response issuer, shall be provided in the form prescribed in Appendix M of this Part in no less than twelve-{ 12} point type. (e
 - of Appendix M (applicable to preexisting Subsections (11) and (21) of Appendix M (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation. £)

effective 370年三年 Reg. 111. 23 (Source: Amended

NOTICE OF ADOPTED AMENDMENTS

Section 2008.APPENDIX B Outline of Medicare Supplement Coverage - Cover Page

[COMPANY NAME]

[insert letter(s) of plan(s) being offered] Outline of Medicare Supplement Coverage - Cover Page: Benefit Plan(s) Medicare supplement insurance can be sold in only ten standard plans plus two deductible plans. This chart shows the benefits included in each plan. Every company must make available Plan "A". Some plans may not be available in Illinois. high

BASIC BENEFITS: Included in All Plans.

Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.

Medical Expenses: Part B coinsurance (20% of Medicare-approved expenses).

Blood: First three pints of blood each year.

Э	Basic Benefits	Skilled Nursing Co-Insurance	Part A Deductible	·		Foreign Travel Emergency		Preventive Care
Q	Basic Benefits	Skilled Nursing Co-Insurance	Part A Deductible			Foreign Travel Emergency	At-Home Recovery	
O	Basic Benefits	Skilled Nursing Co-Insurance	Part A Deductible	Part B Deductible		Foreign Travel Emergency		
я	Basic Benefits		Part A Deductible					
4	Basic Benefits				,			

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	: :5	#	I	. J.
asic enefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
Skilled Nursing Co-Insurance				
Part A Deductible				
Part B Deductible	A			Part B Deductible
Part B Excess (100%)	Part B Excess (80%)		Part B Excess (100%)	Part B Excess (100%)
Foreign Travel Emergency				
	At-Home Recovery		At-Home Recovery	At-Home Recovery
		Basic Drugs	Basic Drugs	Extended Drugs
				Preventive Care

Plans F and J also have an option called a high deductible plan F and a high leductible plan J*. These high deductible plans pay the same or offer the same These expenses include the Medicare deductibles for Part A and Part B, but does not include, in plan J, the plan's separate prescription drug deductible or, in Plans F and benefits as Plans F and J after one has paid a calendar year [\$1500] deductible. Benefits from high deductible plans F and J will not begin until Out-of-pocket expenses are [\$1500]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. J, the plan's separate foreign travel emergency deductible. deductible plan J*.

NOTE:

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the brackets appear above. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage Companies must add the current fixed dollar amount authorized by Medicare where in a timely manner.

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PREMIUM INFORMATION

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this State. [If the premium is based on the increasing age of the insured, include information specifying when premiums will change.]

DISCLOSURES

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY

This is only an outline, describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT

replacing another health insurance policy, do NOT cancel it until If you are replacing another health insurance policy, do NOT cancel it unt you have actually received your new policy and are sure you want to keep it.

NOTICE

This policy may not fully cover all of your medical costs.

(for producers:)

Neither (insert company's name) nor its agents are connected with Medicare.

(for direct response:)

(insert company's name) is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security office or consult "The Medicare Handbook" for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT

truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave When you fill out the application for the new policy, be sure to answer out or falsify important medical information. [If the policy or certificate is

NOTICE OF ADOPTED AMENDMENTS

guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified on the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in Appendices C through L of this Part the charts-below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this Appendix. An issuer may use additional benefit plan designations on these charts pursuant to Section 2008.72(d) of this Part.]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the Director of Insurance.]

(Source: Amended at 23 Ill. Reg. 3704 = : effective

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NOTICE OF ADOPTED AMENDMENTS

Section 2008.APPENDIX C Plan A

MEDICARE (PART A) - Hospital Services - Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	· YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but (\$]	80	[\$] (Part A
61st thru 90th day	All but \$ a day	[\$] a day	\$0
91st day and after; -While using 60 lifetime reserve davs	All but (\$ a day	[\$] a day	\$0
Once lifetime reserve days are used	08	100% of Medicare Eligible Expenses	O ss
-Beyond the Additional 365 days	80	\$0	All costs
SKLLED NURSING FACILITY CARE-You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-aproved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	80	80
21st thru 100th day	All but \$ a day	so	Up to [\$] a day
101st day and after	80	80	All costs
BLOOD First 3 pints	080	3 pints	\$0
Additional amounts	* 001	90	0.6
HOSPICE CAKE Available as long as your doctor certifies you are terminally ill and you elect to re- ceive these services	All but very Imited co- insurance for out-pa- tient drugs and inpa- tient respite care	O 89	Balance

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NOTICE OF ADOPTED AMENDMENTS

(PLAN A Continued)
MEDICARE (PART B) - Medical Services - Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT; such as Physicals services, inpatient and outpatient underloal and surgroil services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	30	\$0	All costs
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES- BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	80	\$0

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
-Medically necessary skilled care services and medical supplies	1002	\$0	\$0
-Durable medical equipment			
First \$100 of Medicare Approved Amounts*	08	80	\$100 (Part B Deductible)
Remainder of Medicare Approved	80%	20%	80

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NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 III. Reg.

NOTICE OF ADOPTED AMENDMENTS

Plan B Section 2008.APPENDIX D

MEDICARE (PART A) - Hospital Services - Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where The dollar amount is updated periodically by the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of Coverage in a timely manner.

in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row. *A benefit period begins on the first day you receive service as an inpatient

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION Semiprivate room and board, general nursing and miscellaneous			
services and supplies First 60 days	All but IS	[\$] (Part A	0\$
61st thru 90th day	All but \$ a day	\$ a day	08
91st day and after: -While using 60 lifetime reserve days	All but \$ a day	(\$) a day	0 %
Once lifetime reserve days are used. Additional 365 days Beyond the Additional 365 days	08	100% of Medicare Eligible Expenses \$0	\$0 All costs
SKILLED NURSING FACILITY CARE. You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital.			
First 20 days 21st thru 100th day	All approved amounts All but \$	80	\$0 Up to [\$] a day
I) Ist day and after	80	80	All costs
BLOOD First 3 pints	\$0	3 pints \$0	\$0
Audithing fairness. HOSPICE Care Available as long as your doctor certifies you are terminally ill and you elect to re- ceive these services	All but very limited co- insurance for out pa- tient drugs and inpa- tient respite care	0\$	Balance

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NOTICE OF ADOPTED AMENDMENTS

MEDICARE (PART B) - Medical Services - Per Calendar Year (PLAN B Continued)

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATTENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgicial services and sup- plies, physical and speech therapy, dag- nostic tests, durable medical equipment.			
First \$100 of Medicare Approved Amounts*	0\$	08	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	0\$
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	80	All costs
вгоор			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	0\$	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES- BLOOD TESTS FOR DIAGNOSTIC SERVICES	1007	08	08

	PARTS A & B	z B	
HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
-Medically necessary skilled care services and medical supplies	100%	0%	\$0
-Durable medical equipment			
First \$100 of Medicare Approved Amounts*	80	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved	208	20%	\$0

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NOTICE OF ADOPTED AMENDMENTS

Reg. 111. (Source: Amended 0 1999 23

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effective

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NOTICE OF ADOPTED AMENDMENTS

Plan C Section 2008.APPENDIX E MEDICARE (PART A) - Hospital Services - Per Benefit Period

the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage Companies must add the current fixed dollar amount authorized by Medicare where in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but 18	(\$) (Part A) Deductible)	08
61st thru 90th day	All but [S] a day	(\$) a day	0\$
91st day and after, -While using 60 lifetime reserve days	All but [8] a day	(8 aday	30
Once lifetime reserve days are			
-Additional 365 days	80	100% of Medicare	\$0
-Beyond the Additional 365 days	80	\$0	All costs
SKILLED NURSING FACILITY CARE- You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	80	\$0
21st thru 100th day	All but 18	Up to [\$] a day	09
101st day and after	\$0	\$0	All costs
вгоор	C		Q.
Additional amounts	1004	0 00	\$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co- insurance for out-pa- tient drugs and inpa-	0\$	Balance

NOTICE OF ADOPTED AMENDMENTS

(PLAN C Continued)
MEDICARE (PART B) - Medical Services - Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physi- cials services, inpatent and outpatent medical and surgeal services and sup- plies, physical and speech therapy, diag- nostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	0\$
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	80	All costs
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare Approved Amounts*	80	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES- BLOOD TESTS FOR DIAGNOSTIC SERVICES	2001	80	\$0

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
-Medically necessary skilled care services and medical supplies	100%	\$0	\$0
-Durable medical equipment			
First \$100 of Medicare Approved Amounts*	08	\$100 (Part B Deductible)	0\$
Remainder of Medicare Approved Amounts	80%	20%	80

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SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL-NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First (\$] each calendar year	0%	\$0	
Remainder of Charges	O 49	80% to a lifetime maximum benefit of	20% and amounts over the [\$ lifetime maximum

(Source: Amended

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NOTICE OF ADOPTED AMENDMENTS

Section 2008.APPENDIX F Plan D

MEDICARE (PART A) - Hospital Services - Per Benefit Period

the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage Companies must add the current fixed dollar amount authorized by Medicare where in a timely manner. *A benefit period begins on the first day you received service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

CHORIGIC	SANG GOVE DIGINA	DI AN DAVE	VOII DAV
SERVICES	MEDICARE PAIS	FLAN FAIS	1001
HOSPITALIZATION• Semiprivate room and board, general nursing and miscellaneous ervices and supplies			
First 60 days	All but IS	(\$) (Part A Deductible)	0\$
61st thru 90th day	All but S a day	(\$) a day	0\$
91st day and after; -While using 60 lifetime reserve days	All but S	[\$ aday	\$0
Once lifetime reserve days are used			
-Additional 365 days	\$0	100% of Medicare	\$0
Beyond the Additional 365 days	\$0	\$0	All costs
SKILLED NURSING FACILITY CARE- form must mere Medicare's requirements, including having been in a hospital for at least. 3 days and entered a Medicare-ap- proved facility within 30 days after leav- ing the hospital.			
First 20 days	All approved amounts	80	\$0
21st thru 100th day	All but S	Up to \$ a day	80
101st day and after	80	80	All costs
BLOOD First 3 pints	0\$	3 pints	08
Additional amounts	1007	80	80
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to re- ceive these services	All but very limited co- insurance for out-pa- tient drugs and inpa- tient respite care	\$0	Balance

NOTICE OF ADOPTED AMENDMENTS

(PLAN D Continued)
MEDICARE (PART B) - Medical Services - Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physi- cian's services, inpatient and outpatient medical and suggest services and sup- plies, physical and speech therapy, diag- nostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	060	0%	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	80	80	All costs
вгоор	1		
First 3 pints	\$0	All costs	0\$
Next \$100 of Medicare Approved Amounts*	80	80	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES- BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	09

	PARTS A & B	. B	
HOME HEALTH CARE		-	
MEDICARE APPROVED SERVICES			
-Medically necessary skilled care services and medical supplies	1007	\$0	08
-Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80/2	20%	\$0

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NOTICE OF ADOPTED AMENDMENTS

(PLAN D Continued)
MEDICARE (PARTS A&B) - (CONTINUED)

PARTS A&B (cont'd)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE (cont'd)			•
AT HOME RECOVERY SERVICES- NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare apprivated a Home Care Treatment Plan			
-Benefit for each visit	0%	Actual Charges to	Balance
Number of visits covered (must be re- ceived within 8 weeks of last Medicare Approved visit i	0\$	Up to the number of Medicare Approved visits, not to exceed 7 each week	
-Calendar year maxımum	so	[8]	

OTHER BENEFITS-Not Covered By Medicare

		amounts over
	8	20% and amounts over the \$ lifetime maximum
	08	80% to a lifetime maximum benefit of
	80	\$0
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care serveres beginning during the first 60 days of each trip outside the USA	First \$ each calendar year	Remainder of Charges

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NOTICE OF ADOPTED AMENDMENTS

Reg. 111. 23 at (Source: Amended

3704 = 7 effective

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2008.APPENDIX G Plan E

MEDICARE (PART A) - Hospital Services - Per Benefit Period

the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage Companies must add the current fixed dollar amount authorized by Medicare where in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

	CARPOR CASE OF CASE	OWART TAX YOU	VOITBAV
SERVICES	MEDICARE PAYS	PLAN PAIS	TOO FAI
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [\$]	(\$ 1 (Part A Deductible)	\$0
61st thru 90th day	All but 3] a day	(\$) a day	0\$
91st day and after: -While using 60 lifetime reserve days	All but S a day	[3] a day	08
Once lifetime reserve days are used	í.	2000	C
Additional 305 days. Beyond the Additional 365 days.) C9	LUU" ol Medicare Eligible Expenses \$0	All costs
SKILLED NURSING FACILITY CARE- You must meet Medicare's requirements, including having been in a hospital for at least, 3 days and entered a Medicare-ap- proved facility within 30 days after leav- ing the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$	Up to (\$] a day	. 0\$
101st day and after	\$0	\$0	All costs
BLOOD First 3 pints	0\$	3 pints	0\$
Additional amounts	100%	\$0	\$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to re- ceive these services	All but very limited co- insurance for out-pa- tient drugs and inpa- tient respite care	0\$	Balance

NOTICE OF ADOPTED AMENDMENTS

(PLAN E Continued)
MEDICARE (PART B) - Medical Services - Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgred services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts*	09	08	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	80
Part B Excess Charges (Above Medicare Approved Amounts)	08	\$0	All costs
вгоор			
First 3 pints	80	All costs	0\$
Next \$100 of Medicare Approved Amounts*	\$0	30	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES- BLOOD TESTS FOR DIAGNOSTIC SERVICES	1007	\$0	80

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
-Medically necessary skilled care services and medical supplies	100%	\$0	0\$
-Durable medical equipment			
First \$100 of Medicare Approved Amounts*	30	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	80

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(PLAN E Continued)
OTHER BENEFITS - Not Covered By Medicare

SERVICES	MEDICARE PAYS	PLAN PAYS	. YOU PAY
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First (\$] each calendar year	80	\$0	(%)
Remainder of Charges	08	80% to a lifetime maximum benefit of	20% and amounts over the (\$ lifetime maximum
*PREVENTIVE MEDICAL CARE BENETIT-NOT COVERED BY MEDICARE			
Some annual physical and preventive tests and services such as digital rectal exam. hearing streening, dipstick urnal-ysis, diabetes screening, thyroid function test, tetanus and diptheria booster and education, administered or ordered by evour doctor when not covered by Medicare			
-First S each calendar year -Additional charges	\$0	<u>89</u>	0\$
	\$0	0\$	All costs

effective 3704 = E Reg. 111. 23 (Source: MAR'1°6 1999)

NOTICE OF ADOPTED AMENDMENTS

Section 2008.APPENDIX H Plan F or High Deductible Plan F*

MEDICARE (PART A) - Hospital Services - Per Benefit Period

Medicare and companies must reflect these changes to their outlines of coverage Companies must add the current fixed dollar amount authorized by Medicare where is updated periodically The dollar amount the brackets appear below. in a timely manner.

period begins on the first day you receive service as an inpatient have not in a hospital and ends after you have been out of the hospital and received skilled care in any other facility for 60 days in a row. 'A benefit

**This high deductible plan pays the same or offers the same benefits as Plan F one has paid a calendar year [\$1500] deductible. Benefits from the high Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency out-of-pocket expenses are deductible plan F will not begin until deductible.

IN ADDITION TO \$1500 DEDUCTIBLE ** YOU PAY		30	.30	\$0		80	All costs		\$0	30	All costs	\$0	\$0	Balance
AFTER YOU PAY \$1500 DEDUCTIBLE ** PLAN PAYS		[S] (Part A Deductible)	(S is day	. s day		100% of Medicare	Eligible Expenses		. 20	Up to IS	80	3 pints	20	80
MEDICARE PAYS		All but (S	All but IS	All but 15		20	. os		All approved amounts	All but 18	80	. 08	2001	All but very limited co- insurance for out-pa
SERVICES	HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies	First 60 days	61st thru 90th day	91st day and after While using 60 lifetime reserve days	Once lifetime reserve days are	-Additional 365 days	Beyond the Additional 365 days	SKILLED NURSING FACILITY CARE- You must meet Medicate of requirements, including having been in a hospital for at least 3 days and entered a Medicate-up proved facility within 30 days after feav ing the hospital	First 20 days	21st thru 100th day	101st day and after	BLOOD First 3 pints	Additional amounts	HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to re- ceive these services

tient respite care

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

MEDICARE (PART B) - Medical Services - Per Calendar Year (PLAN F or High Deductible Plan F* Continued)

(which are noted with an asterisk), your Part B Deductible will have for of Medicare-Approved amounts *Once you have been billed \$100 been met for the calendar year. services

**This high deductible plan pays the same or offers the same benefits as Plan F after one has paid a calendar year [\$1500] deductible. Benefits from the high Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible plan F will not begin until out-of-pocket expenses are [\$1500] deductible.

SERVICES	MEDICARE PAYS	DEDUCTIBLE ** PLAN	S1500 DEDUCTIBLE**
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physical as services, inpatient and outpatient end is services, inpatient and outpatient piles, physical and suggest services and supplies, physical and speech therapy, diagnostic resis, durable medical equipment			TOO PAY
First alov of Medicare Approved Amounts*	08	\$100 (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	08
Part B Excess Charges (Above Medicare	. 08	100%	80
вгоор			
First 3 pints -	\$0	All costs	80
Next \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	0%
Remainder of Medicare Approved	80%	20%	\$0
CLINICAL LABORATORY SERVICES BLOOD TESTS FOR DIAGNOSTIC	1.00%	08	80

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
-Medically necessary skilled care services and medical supplies	.001	0\$	0\$
-Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$100 (Part B Deductible)	0\$
Remainder of Medicare Approved	80%	20%	\$0
			_

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(PLAN F or High Deductible Plan F* Continued) OTHER BENEFITS - Not Covered By Medicare

	RED	TCOVERED	/EL-NOT COVERED	FOREIGN TRAVEL-NOT COVERED BY MEDICARE
	e ser. Jays of	gency care ser- first 60 days of	ury emergency care ser- tring the first 60 days of	Medically necessary emergency care services beginning during the first 60 days of
			the USA	outside the USA
\$) 0\$	0\$	0\$	0\$	
09	08	0\$	0%	0\$
0\$	80	80	80	80
9	00	I COVERED first 60 days of ndar year \$0	I COVERED Tirst 60 days of and a servence and a servence and a servence a se	O on
		T COVERED rency care eer- first 60 days of ndar year	r coverent rency care eer- first 60 days of ndar year	T COVERED rency care eer- first 60 days of ndar year
		T COVERED gency care ser- first 60 days of ndar year	T COVERED gency care ser- first 60 days of ndar year	T COVERED gency care ser- first 60 days of ndar year
		r coverken first 60 days of ndar year	r COVEKED Fency care eer- first 60 days of ndar year	r coverken first 60 days of ndar year
		T COVE gency care first 60 d	/EL-NOT COVE) ary emergency carr uring the first 60 d the USA	INTRAVEL-NOT COVE ICARE necessary emergency carr inning during the lirst 60 d outside the USA each calendar year

3704 m; effective Reg. 111. 23 (Source: MRR 10 1999

NOTICE OF ADOPTED AMENDMENTS

Section 2008.APPENDIX I Plan G

MEDICARE (PART A) - Hospital Services - Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but (\$	\$ (Part A Deductible)	0\$
61st thru 90th day	All but (\$] a day	[\$] a day	0\$
91st day and after; .While using 60 lifetime reserve days	All but (\$}} a day	3 a day	0
Once lifetime reserve days are			
-Additional 365 days	80	100% of Medicare	\$0
-Beyond the Additional 365 days	Sn	\$0	All costs
SKILLED NURSING FACILITY CARE. You must meet Medicare's requirements. Including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital.			
First 20 days	All approved amounts	80	0\$
21st thru 100th day	All but S	Up to [\$] a day	80
101st day and after	\$0	\$0	All costs
BLOOD First 3 pints	\$0	3 pints	9\$
Additional amounts	100%	\$0	\$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to re- ceive these services	All but very limited co- insurance for out-pa- tient drugs and inpa- tient respite care	0\$	Balance

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(PLAN G Continued)

MEDICARE (PART B) - Medical Services - Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physical or san's services, inpatient and outpetient medical and surgicial services and supplies, physical and speech therapy diagnostic tests, durable medical equipment frest \$100 of Medicare Approved Amounts	Ç,	09	\$100 (Part B Deductible)
Remainder of Medicare Approved	generally 80%	generally 20%	09
Pari B Excess Charges (Above Medicare Approved Amounts)	80	80%	20%
вгоор			
First 3 pints	80	All costs	0\$
Next \$100 of Medicare Approved Amounts*	08	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES- BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	0\$	0%

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies	100%	\$60	08
-Durable medical equipment			
First \$100 of Medicare Approved	80	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved	208	20%	00

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(PLAN G Continued)
MEDICARE (PARTS A&B) - (CONTINUED)

PARTS A&B (cont'd)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE (cont'd) AT-HOME RECOVERY SERVICES- NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
-Benefit for each visit	\$0	Actual Charges to	Balance
-Number of visits covered (must be re- ceived within 8 weeks of last Medicare Approved visit)	<u>О</u>	Up to the number of Medicare Approved visits, not to exceed 7 each week	
-Calendar year maximum	\$0	[8]	

OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$ each calendar year	80	099	8
Remainder of Charges	C W	80% to a lifetime maximum benefit of	20% and amounts over the (\$ lifetime maximum

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

111. 23 (Source: Amended at

Reg.

IN OA E W. effective

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2008.APPENDIX J Plan H

MEDICARE (PART A) - Hospital Services - Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where Medicare and companies must reflect these changes to their outlines of coverage the brackets appear below. The dollar amount is updated periodically in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	ÝOU PAY
HOSPITALIZATION* Semiprivate room and board, general rursing and miscellaneous services and supplies			
First 60 days	All but 18	(\$ (Part A Deductible)	80
61st thru 90th day	All but [3] a day	18 a day	. \$0
91st day and after, -While using 60 lifetime reserve days	All but [\$] a day	[\$] a day	0\$
Once lifetime reserve days are used	Ş	100% of Medicare	C 99
Beyond the Additional 365 days	08	Eligible Expenses	All costs
SKILLED NURSING FACILITY CARE. You must meet Medicare's requirements, including having been in a hospital for at least, 3 days and entered a Medicare-approved fectility within 30 days after leaving the hospital			
First 20 days	All approved amounts	80	\$0
21st thru 100th day	All but 18 a day	Up to 8	\$0
101st day and after	80	\$0	All costs
BLOOD First 3 pints	\$0	3 pints	0\$
Additional amounts	100%	80	\$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co- insurance for out-pa- tient drugs and inpa- tient respite care	08	Balance

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

MEDICARE (PART B) - Medical Services - Per Calendar Year (PLAN H Continued)

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAVS	VOLIDAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physical Services, inpatient and outpatient and earlies and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First \$100 of Medicare Approved Amounts*	80	08	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	099
Part B Excess Charges (Above Medicare Approved Amounts)	08	08	All costs
BLOOD			
First 3 pints	80	All costs	O ₈
Next \$100 of Medicare Approved Amounts*	\$0	80	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	207	0%
CLINICAL LABORATORY SERVICES- BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	80	099

PARTS A & B

	7 77 77 77 77 77 77 77 77 77 77 77 77 7	2	
HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
-Medically necessary skilled care ser- vicos and medical supplies	100%	30	80
-Durable medical equipment			
First \$100 of Medicare Approved Amounts*	0%	0\$	\$100 (Part B Deductible)
Remainder of Medicare Approved	80%	20%	\$0

NOTICE OF ADOPTED AMENDMENTS

(PLAN H Continued)
OTHER BENEFITS - Not Covered By Medicare

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL-NOT COVERED BY MEDICARE By Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First (\$) each calendar year	0\$	09	<u>\$</u>
Remainder of Charges	0 %	80% to a lifetime maximum benefit of	20% and amounts over the [\$] lifetime maximum
BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE			
First \$ each calendar year	80	. 08	99
Next S each calendar year	\$0	50%-[\$] calendar year maximum	50%
Over S each calendar year	O ₂	benefit \$0	All Costs

effective 3704 == Reg.

111.

23

(Source: Amended 1999

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2008.APPENDIX K Plan I

MEDICARE (PART A) -- Hospital Services - Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [8]	(\$) (Part A Deductible)	\$0
61st thru 90th day	All but (\$] a day	[\$] a day	\$0
91st day and after, -While using 60 lifetime reserve days	All but 18	S a day	\$0
Once lifetime reserve days are used used Additional 365 days Bevond the Additional 365 days	ි ර ර ර	100% of Medicare Eligible Expenses \$0	\$0 All costs
SKILLED NURSING FACILITY CARE- You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	80	\$0
21st thru 100th day	All but S	Up to [\$] a day	80
101st day and after	\$0	\$0	All costs
BLOOD First 3 pints	\$0 10003	3 pints	08
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to re- ceive these services	All but very limited co- insurance for out-pa- tient drugs and inpa- tient respite care	0\$	Balance

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(PLAN I Continued) MEDICARE (PART B) - Medical Services - Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physi- cian's services, inpatient and outpatent medical and surgnel services and sup- plies, physical and speech therapy, diag- nostic tests, durable medical equipment First \$100 of Medicare Approved	08		\$100 (Part B Deductible)
Amounts* Remainder of Medicare Approved Amounts	generally 80%	generally 20%	80
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	100%	0\$
вгоор			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	08	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	80
CLINICAL LABORATORY SERVICES- BLOOD TESTS FOR DIAGNOSTIC SERVICES	1007	\$0	09

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
-Medically necessary skilled care services and medical supplies	100%	\$0	\$0
-Durable medical equipment			
First \$100 of Medicare Approved Amounts*	80	08	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	208 208	20%	80

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(PLAN I Continued)
MEDICARE (PARTS A&B) - (CONTINUED)

PARTS A&B (cont'd)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE (cont'd)			
AT-HOME RECOVERY SERVICES- NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
-Benefit for each visit	80	Actual Charges to	Balance
-Number of visits covered (must be re- ceived within 8 weeks of last Medicare Approved Visit)	089	Up to the number of Medicare Approved visits, not to exceed 7 each week	
-Calendar year maximum	80	[8	

OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care servets beginning during the first 60 days of each trip outside the USA First S each calendar year Remainder of Charges* BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE		\$0 80% to a lifetime maximum benefit of 18	S 20% and amounts over the [S] lifetime maximum
First \$ each calendar year	0\$	\$0	[8]
each calendar year	08	50%-[8]	50%
l each calendar year	0\$	benefit \$0	All costs

NOTICE OF ADOPTED AMENDMENTS

- FO 2 & Reg. 111. 23 MAR 1 0 1999 (Source: Amended

effective

DEPARTMENT OF INSURANCE

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NOTICE OF ADOPTED AMENDMENTS

Section 2008.APPENDIX L Plan J or High Deductible Plan J*

MEDICARE (PART A) - Hospital Services - Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner. *A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

after one has paid a calendar year [\$1500] deductible. Benefits from the high deductible plan J will not begin until out-of-pocket expenses are [\$1500]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate prescription drug deductible **This high deductible plan pays the same or offers the same benefits as Plan J or the plan's separate foreign travel emergency deductible.

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1500 DEDUCTIBLE ** PLAN PAYS	IN ADDITION TO \$1600 DEDUCTIBLE ** YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplie*			l
First 60 days	All but [5]	(\$ (Part A Deductible)	30
61st thru 90th day	All but [5]	[Sladay	0\$
91st dav and after While using 60 lifetime reserve davs	All but 15 and a	[S] a day	80
Once afctime reserve guiss are used -Additional 365 days -Bevond the Additional 365 days	08	100% of Medicare Eligible Expenses 30	S0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare or squirements including having been in a hospital for at least. 3 dius und entered a Medicare-ap- proved facility within 30 davs after less ing the hospital			
First 20 days	All approved amounts	20	08.
21st thru 100th day	All but IS a day	Up to 18	80
101st duy and after	SO	20	All costs
BLOOD First 3 pints Additional amounts	\$0 100';	3 pints 30	30 30
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to re- ceive these services	All but very limited co- insurance for out-pa- tient drugs and inpa-	09	Bulance

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

MEDICARE (PART B) - Medical Services - Per Calendar Year (PLAN J or High Deductible Plan J* Continued)

(which are noted with an asterisk), your Part B Deductible will have covered *Once you have been billed \$100 of Medicare-Approved amounts for been met for the calendar year. services

be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate prescription drug deductible or the plan's separate foreign travel emergency deductible. after one has paid a calendar year [\$1500] deductible. Benefits from the high deductible plan J will not begin until out-of-pocket expenses are [\$1500]. Out-of-pocket expenses for this deductible are expenses that would ordinarily **This high deductible plan pays the same or offers the same benefits as Plan J

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1500 DEDUCTIBLE. PLAN PAYS	IN ADDITION TO \$1500 DEDUCTIBLE** YOU PAY
wEDICAL EXPENSES. NO ROUT OF THE HOSPITAL AND UT TRAITENT HOSPITAL TREATMENT und in Shrave can's services, inplacent and outpatient medical and surgical services and sup- plies, physical and specifical department observices and are services and sup-			
First \$100 of Medicare Approved Amounts*	08	S100 (Part B Deductible)	SO
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	\$0
Pari B Excess Charges iAbove Medicare Approved Amounts!	20	100%	08
BLOOD			
First 3 pints	\$0	All costs	20
Next \$100 of Medicare Approved Amounts*	20	\$100 (Part B Deductible)	80
Remainder of Medicore Approved Amounts	804	20%	so
CLINICAL LABORATORY SERVICES			
BLOOD TESTS FOR DIAGNOSTIC SERVICES	2,601	. 30	80

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
-Medically necessary skinled care ser vices and medical supplies	50-1	20	30
-Durable medical equipment			
First \$100 of Medicare Approved Amounts*	CS	5100 (Part B Deductible)	000
Remainder of Medicare Approved	80%	20%	30

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(Plan J Continued)

MEDICARE (PARTS A & B)-(CONTINUED)

PARTS A & B (cont'd)

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1500 DEDUCTIBLE** PLAN PAYS	IN ADDITION TO \$1500 DEDUCTIBLE** YOU PAY
HOME HEALTH CARE (cont'd) AT-HOME RECOVERY SERVICES- NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
-Benefit for each visit	\$0	Actual Charges to	Balance
-Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	O 89	Up to the number of Medicare Approved visits, not to exceed 7 each week	
-Calendar year maxımum	80	89	

NOTICE OF ADOPTED AMENDMENTS

OTHER BENEFITS-Not Covered By Medicare

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First S each calendar year	80	\$0	[\$]
Remainder of Charges"	0\$	80% to a lifetime maximum benefit of	20% and amounts over the (\$] lifetime maximum
BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE			
First [\$] each calendar year	0\$	\$0	<u>s</u>
Next S each calendar year	\$0	50%-[\$l calendar year maximum	20%
Over (5) each calendar year	\$0	benefit \$0	All costs

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NOTICE OF ADOPTED AMENDMENTS

(PLAN J or High Deductible Plan J* Continued) OTHER BENEFITS - Not Covered By Medicare (cont'd)

*Medicare benefits are subject to change. Please consult the latest Guide to Health Insurance for People with Medicare.

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1500 DEDUCTIBLE** PLAN PAYS	IN ADDITION TO \$1500 DEDUCTIBLE** YOU PAY
*PREVENTIVE MEDICAL CARE BENEFIT-NOT COVERED BY MEDICARE			
Some annual physical and preventive tests and services such as: digital rectal exam, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, tetanus and dipthera booster and education, administered or ordered by your doctor when not covered by Medicare			
First (\$) each calendar year	\$0	[3	\$0
Additional charges	\$0	08	All costs

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NOTICE OF ADOPTED AMENDMENTS

E 70 28 Reg. 111. 23 (Source: Amended at

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Section 2008.APPENDIX Q Disclosure Statements

type involved, on the application or together with the application. The disclosure statement language and format may not vary in type size, type proportional spacing, bold character, line spacing or usage of boxes around types of health insurance policies that duplicate Medicare shall include one of the following disclosure statements according to the particular policy text from those presented below.

an a) For policies that provide benefits for expenses incurred for accidental injury only:

THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS IMPORTANT NOTICE TO PERSONS ON MEDICARE

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

pays hospital medical expenses up to the maximum stated in the policy. This insurance duplicates Medicare benefits when it

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- insurance, review the Guide to Health Insurance for People with For more information about Medicare and Medicare Supplement Medicare, available from the insurance company.
- For help in understanding your health insurance, contact Senior Health Insurance Program through your state insurance department or-state-senior-insurance-counseling-program.

NOTICE OF ADOPTED AMENDMENTS

b) For policies that provide benefits for specified limited services:

THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS IMPORTANT NOTICE TO PERSONS ON MEDICARE

This is not Medicare Supplement Insurance

if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance. insurance provides limited benefits,

services This insurance duplicates Medicare benefits when any of the covered by the policy are also covered by Medicare. medically necessary services regardless of the reason you need them. These include: Medicare pays extensive benefits for

- hospitalization,
- physician services,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact Senior Health Insurance Program through your state insurance department or-state-senior-insurance-counseling-program.
- specified impairments. This includes expense incurred cancer, specified disease and other types of health insurance policies that For policies that reimburse expenses for specified disease(s) or other limit reimbursement to named medical conditions: ô

THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS IMPORTANT NOTICE TO PERSONS ON MEDICARE

This is not Medicare Supplement Insurance

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NOTICE OF ADOPTED AMENDMENTS

policy. It does not pay your Medicare deductibles or coinsurance and conditions, for hospital or medical expenses only when you are treated if you meet the policy for one of the specific diseases or health conditions is not a substitute for Medicare Supplement insurance. This insurance provides limited benefits,

Ö hospital This insurance duplicates Medicare benefits when it pays medical expenses up to the maximum stated in the policy.

Medicare generally pays for most or all of these expenses.

extensive benefits for medically necessary services regardless of the reason you need them. These include: Medicare pays

- hospitalization,
- physician services,
 - hospice,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact Senior Health Insurance Program through your state insurance department or-state-senior-insurance-counseling-program.
- and other health insurance policies that pay a scheduled benefit or For policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, specific payment based on diagnosis of the conditions named in the q

THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS IMPORTANT NOTICE TO PERSONS ON MEDICARE

This is not Medicare Supplement Insurance

meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare This insurance pays a fixed amount, regardless of your expenses, Supplement insurance.

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INSURANCE DEPARTMENT OF

NOTICE OF ADOPTED AMENDMENTS

This insurance duplicates Medicare benefits because Medicare generally pays for most of the expenses for the diagnosis and treatment specific conditions or diagnoses named in the policy. Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
 - hospice,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already
- insurance, review the Guide to Health Insurance for People with about Medicare and Medicare Supplement Medicare, available from the insurance company. information For more
 - in understanding your health insurance, contact Senior department Health Insurance Program through your state insurance or-state-senior-insurance-counseling-program. For help
- indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies: For e

THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS IMPORTANT NOTICE TO PERSONS ON MEDICARE

This is not Medicare Supplement Insurance

not your Medicare deductibles or coinsurance and is not a substitute does This insurance pays a fixed dollar amount, regardless of expenses, for each day you meet the policy conditions. It for Medicare Supplement insurance.

or expenses services covered by the policy are also covered by Medicare. any Medicare benefits when This insurance duplicates

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
 - hospice,

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NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF INSURANCE

other approved items and services.

Before You Buy This Insurance

- insurance, review the Guide to Health Insurance for People with For more information about Medicare and Medicare Supplement you already Check the coverage in all health insurance policies have.
 - Senior Health Insurance Program through your state insurance department For help in understanding your health insurance, contact Medicare, available from the insurance company. or-state-senior-insurance-counseling-program.
- policies that provide benefits for both expenses incurred and fixed indemnity basis: FOL £)

THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS IMPORTANT NOTICE TO PERSONS ON MEDICARE

This is not Medicare Supplement Insurance

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It and is not a does not pay your Medicare deductibles or coinsurance substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare; or
 - it pays the fixed dollar amount stated in the policy and Medicare covers the same event.

Medicare generally pays for most or all of these expenses.

necessary services These include: for medically regardless of the reason you need them. benefits Medicare pays extensive

- hospitalization,
- physician services,
 - hospice care,
- other approved items and services.

Before You Buy This Insurance

the coverage in all health insurance policies you already Check

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NOTICE OF ADOPTED AMENDMENTS

- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact <u>Senior</u>
 Health Insurance Program through your state insurance department
 or-state-senior-insurance-counseling-program.
- g} For--tong-term--care--policies--providing--both---nursing---home---and non-institutional-coverage:

#MPORWANW-NOWIEE-WO-PERBONG-ON-MEDICARE
PHIG-INGURANCE-DUPLECAWEG-SOME-MEDICARE-BENEFIYG

This-is-not-Medicare-Supplement-Insurance

Pederal - law - requires - us-to-inform-you-that-this-insurance-duplicates Medicare-benefits-in-some-situations-

- This-is-is-long-term--care--insurance--that--provides--benefits--for covered-nursing-home-and-home-care-services-
- Covered intering nome and nome cars services.

 In--some--structions--Medicare--pays-for-short-periods-of-skilled
 - nutsing-home-care; limited-home-health-services-and-hospice-care;

 This--insurance--does--not--psy--your--Medicare--deductibles---or
 consurance--and--is--not--a--substitute--for-Medicare-Guppiement
 insurance-

Neither-Medicare-nor-Medicare-Supplement-ingurance--provides--benefits formost-long-term-care-expenses-

Before-You-Buy-This-Insurance

- Check--the--coverage-in-all-health-insurance-policies-you-already
- Por-more-information-about-long-term-care-insurance;--review--the Shopperts--Guide--to-bong-Werm-Care-Insurance;-avaitable-from-the

insurance-company.

- Por-more--information--about--Medicare--and--Medicare--Supplement insurancey--review--the-Guide-to-Health-Insurance-for-People-with Medicarey-available-from-the-insurance-company-
- Por-heip-in-understanding-your--health-insurance;--contact--your--tate--insurance--contact-or-state-sentor-insurance--contact-or-state-sentor-insurance-counseling
- h) For-policies-providing-nursing-home-benefits-only:

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IMPORMANY-NOTICE-TO-PERSONS-ON-MEDICARE THIE-INGURANCE-DUPLICATES-SOME-MEDICARE-BENEFIFS

This-is-not-Medicare-Supplement-Insurance

Federal-law-requires-us-to-inform-you-that-this--insurance--duplicates Medicare-benefits-in-some-situations-

- Shis -- insurance -- provides -- benefits primarily for covered nursing
 - home-services. In-some-situations-Medicare-pays-for--short--periods--of--skilled

This and a second to the secon

Neither--Medicare--nor-Medicare-Supplement-insurance-provides-benefits for-most-nursing-home-expenses;

Ве£еге-Теи-Виу-Фћія-Іпзигапсе

- Check-the-coverage-in-ali-health-insurance-policies--you--already
- For--more--information-about-long-term-care-insurance;-review-the Shopperts-Guide-to-bong-Werm-Care-Insurance;-avaitable--from--the insurance-company;
- For --more--information--about--Medicare--and--Medicare-Supplement
 insurance-review-the-Guide-to-Health-Insurance-for--People--with
 Medicare--avaitable-from-the-insurance-company;
- For-help--in-understanding--your-health-insurance--couract-your state-insurance-department-or-state-senior--insurance--counseling program-
- it Per-policies-providing-home-care-benefits-only-

EMPORYANY-NOGICE-TO-PERGONG-ON-MEDICARE
YHIE-INGHRANCE-DUPLICAYEG-GOME-MEDICARE-BENEFIYG

Phis-is-not-Medicare-Gupplement-Insurance

Pederai--iaw--requires-us-to-inform-you-that-this-insurance-duplicates Medicare-benefits-in-some-situations-

- This-insurance-provides-benefits-primarily-for-covered-home--care
- FA--some--steasttons--Medicare--will--cover--some-health-related

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

services-in-your-home-and-hospice-care-which-may-also-be--covered This---insurance--does--not--pay--your--Medicare--deductibles--or coinsurance-and-is-not--a-substitute--for--Medicare--Supplement by-this-insurance:

Neither--Nedicare--nor-Medicare-Gupplement-insurance-provides-benefits £өғ-төв+-веғ∀ісез-іп-уеит-hөmе-

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Before-You-Buy-Thisorenee

- Gheck-the-coverage-in-all-health-insurance-policies-you--already
- Shopperts-Guide-to-bong-Yerm-Care-Insurance,-available--from--the <u> Por--more--information-about-iong-term-care-insurance;-review-the</u> insurance-company:
- Yor--more--information--about--Medicare--and--Medicare-Supplement <u>insurance,-review-the-Guide-to-Health-Insurance-for--People--with</u>
- state-insurance-department-or-state-senior--insurance--counseling <u> Por--hetp--in--understanding--your-health-insurancer-contact-your</u> Medicare,-available-from-the-insurance-company: program-
- other health insurance policies not specifically identified in the previous statements: 915 For

THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS IMPORTANT NOTICE TO PERSONS ON MEDICARE

This is not Medicare Supplement Insurance

listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance. conditions This insurance provides limited benefits if you meet the

This insurance duplicates Medicare benefits when it pays the benefits stated in the policy and coverage for the same event is provided by Medicare.

Medicare generally pays for most or all of these expenses.

medically necessary services These include: regardless of the reason you need them. for Medicare pays extensive benefits

- hospitalization,
- physician services,

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- hospice,
- other approved items and services.

Before You Buy This Insurance

- coverage in all health insurance policies you already the Check have.
 - Supplement review the Guide to Health Insurance for People with For more information about Medicare and Medicare Medicare, available from the insurance company. insurance,
 - For help in understanding your health insurance, contact Senior Health Insurance Program through your state insurance department or-state-senior-insurance-counseling-program.

effective A 7 8 A Reg. 111. 23 (Source: Amended at

NOTICE OF ADOPTED AMENDMENTS

- Heading of the Part: Subordinated Indebtedness
- 2) Code Citation: 50 Ill. Adm. Code 201
- 3) <u>Section Numbers: Adopted Action:</u>
 201.20 Amendment
 201.50 Amendment
 201.60 Amendment
- 4) Statutory Authority: Implementing Section 34.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/34.1 and 401]
- 5) Effective Date of Amendment: March 10, 1999
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 7, 1998, 22 Ill. Reg. 14397
- 10) Has JCAR issued a Statement of Objections to this Amendment? No
- 11) Difference(s) between proposal and final version:
- a) Section 201.20, add "a) The agreement must state that: ", following the introductory paragraph.
- b) Section 201.20, delete "Under the submitted agreement", and add "1) All payments of principal and/or interest must be approved by the Director, and" in lieu thereof.
- c) Section 201.20, change "the obligation" to "The obligation" and add "2]" in front of "The". Also change "this" to "such" and add ", and after "company" and delete the period.
- d) Section 201.20, add "3]" in front of "No", delete "security", add "securing such debentures" following "interest" and change "this" to "such" twice in this new subsection (a)(3).
- e) Section 201.20, add "b]" in front of "The following" which had been part of the introductory paragraph.
- f) Section 201.20 strike "a)" and add "11". Also strike "b)" and add

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"2]" in lieu thereof.

- g) Section 201.50(d), delete "as part of net income" and add "as a deduction from income" in lieu thereof.
- h) Section 201.60, strike "a)" at the beginning of this introductory paragraph.
- i) Section 201.60, strike "1)" and add "a)", strike "2)" and add "b)" and also strike "3)" and add "c)" in lieu thereof.
- j) Section 201.60 strike "b)" and all text that follows.
- k) Also change all source note references from "22" to "23"
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- provide consistency with both NAIC codification of statutory accounting principles and other state practices. Part 201 is being amended to delete language in Section 201.20 that allows an artificial floor for repayment of subordinated indebtedness. With the advent of risk-based capital, this language is not needed. Additional language is also being added to 201.20 that will provide an additional safeguard for pre-payment without the Director's approval. Section 201.50 is being amended to clarify the accounting for accrued interest. Section 201.60(b) is being deleted.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jim Hanson
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-6284

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

SUBCHAPTER b: DOMESTIC STOCK COMPANIES CHAPTER I: DEPARTMENT OF INSURANCE TITLE 50: INSURANCE

SUBORDINATED INDEBTEDNESS PART 201

> Section 201.5

Statutory Authority

Application and Effective Date 201.10

Approval of Debenture Form by Director Prior to Shareholder Approval 201.20

Approval by Shareholders 201.30

Consideration 201.40

Reporting and Accounting of Indebtedness 201.50

Repayment of Principal and Payment of Interest 201.60 AUTHORITY: Implementing Section 34.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/34.1 and 401].

111. Reg. 2356; amended aby 23 111. Reg. 14054, effective September 11, 1989; amended at 23 111. Reg. & & effective SOURCE: Filed September 27, 1971, effective October 1, 1971; codified , effective amended at 23 Ill. Reg.

Section 201.20 Approval of Debenture Form by Director Prior to Shareholder Approval The subordinated indebtedness agreement (debenture) shall be submitted for the approval of the Illinois Director of Insurance (Director) as required by (IIII-Rev--State Section 34.1 of the Illinois Insurance Code [215 ILCS 5/34.1] 1987,-ch:-73,-par:-646;1).

The agreement must state that:

The--agreement--must--state-that-neither-principal-nor-interest-may-be repaid-untess-after-such-payment,-surptus-as-regards-poticyhoiders--is equal--to-or-greater-than-surplus-as-regards-policyholders-immediately after-the-issuance-of-the-debenture-

All payments of principal and/or interest must be approved by the

- offset or be subject to recoupment with respect to any liability The obligation of the company under such debenture may not or obligation owed to the company, and 5
- subsequently No agreement or interest securing such debentures, into, applies to the obligation under such debenture. existing on the date of such debenture or 3
- following shall be submitted for the Director's approval submission to the shareholders of the company: The a

1)at Duplicate copies of the entire debenture.
2)bt Certified copy of the resolution of the board of directors or proper company body or committee which is empowered to authorize such

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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

οĘ amount the maximum This resolution shall stipulate subordinated indebtedness authorized. agreements.

111.

23

(Source:

effective

Section 201.50 Reporting and Accounting of Indebtedness

execution of any such debenture as to the amount thereof and to whom writing upon in notified immediately pe shall The Director a

All outstanding subordinated indebtedness and interest accrued thereon any other financial statements of the company as special surplus shall be reported separately in the Annual Statement on Page 3 and funds. q

the interest thereon, shall be reflected as direct debits or credits The issuance and repayment of the debenture, as well as the payment of the company's financial the Capital and Surplus Account of statement. to ô

The interest expense incurred on the debenture during the current the Statement of Income/Summary of Operations of the company's period shall be reflected as a deduction from income in financial statements. (p

iri jji Reg. 111, (Source: Amended 1 0 1996 23

effective

Section 201.60 Repayment of Principal and Payment of Interest

indebtedness as provided under Section 34.1 of the Illinois Insurance Code [215 at A company may only repay principal and make payment of interest on any ILCS 5/34.1]. No payment shall be authorized by the Director unless:

surplus shall include consideration of the following factors: premium Insurance Code (Gode) [215 ILCS 5/144 and 244.1] (Filt-Rev.-Statneeds (the determination of the reasonableness and adequacy of volume as referenced in Sections 144 and 244.1 of the Illinois 1987,-ch:-73,-pars:-756-and-056:17; lines of business and additional authority as referenced in Sections 4, 11, 39, and 245.23 of the Illinois Insurance Code [215 ILCS 5/4, 11, 39, 245.23] (####--Rev Stat:---1987;--ch:--73;-pars:-616;-623;-651;-857;23; and Section 2-1 of the Health Maintenance Organization Act [215 ILCS 125/2-1]; {#111--Rev-Stat:-1987;-ch:-1111-112-112--par:--1483/r reserves, company size and referenced in Section 113 of the Illinois Insurance Code [215 ILCS 5/113]) (###:-Rev:-Stat:-1987;-ch:--73;--par: relation to its outstanding liabilities and adequate for its financial a)++ The company's surplus as regards policyholders is reasonable operational history as

as regards b)2+ Such payment will not reduce the company's surplus

NOTICE OF ADOPTED AMENDMENTS

policyholders to less than that currently required under Section 13 of the Illinois Insurance Code [215 ILCS 5/13] (###-Rew--Stat:-1987,-ch-

93-par--625), and consistent with the terms of the debenture approved pursuant to Section 201.20 of this Part. Any---payment---which---reduces---the--company4s--surplus--as--regards policy-holders-beyond-the-amount-permitted-under-Section-201:70-hereof must-be-immediately-returned-in-lawful-money-to-the-company-40

effective 61° 121 60 Reg. 111. 23 (Source: Amended 1940)

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ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- Heading of the Part: The Illinois Liquor Control Commission 1)
- Code Citation: 11 Ill. Adm. Code 100 2)

3)

Adopted Action: Amendment	Amendment	Repealed	New Section																		
Section Numbers:																					
Section 100.10	100.30	100.40	100.50	100.70	100.90	100.100	100.110	100.150	100.160	100.170	100.180	100.210	100.240	100.250	100.270	100.280	100.290	100.320	100.350	100.360	100.390

- Statutory Authority: The Liquor Control Act of 1934 [235 ILCS 5/3-12(2)] 4)
- Effective Date of Rules (Amendments): March 15, 1999 2)
- Does this rulemaking contain an automatic repeal date? No (9
- Does this amendment contain incorporations by reference? No
- A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. 8)
- in Illinois Register: October 23, of Proposed Rules Published 1998, 22 Ill. Reg. 19181 Notice 6
- Has JCAR issued a Statement of Objections to these amendments? No 10)
- Differences between proposed rules and final version: Section 100.60 now will have no changes, and in Section 100.210, wording that we had proposed be deleted as duplicative in the statute will now remain. Also, various 11)

NOTICE OF ADOPTED AMENDMENTS

technical changes suggested by JCAR will be included.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace emergency rules currently in effect? No
- 14) Are there any proposed Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

Section 100.10 - Delete definition of "Sampling" as now included in the Liquor Control Act. Add the definition of "Minor" taken from the last Attorney General opinion dealing with the subject.

Section 100.30 - Add that a disposition of a fine may be imposed by the Commission for violation of this section.

Section 100.40 - Update the section to conform with deletions in the definition section and add that a social security number shall be required in the form submitted to the Commission. Add language indicating that an applicant must meet all eligibility requirements as stated in the statute.

Section 100.50 - Update to include the latest Federal Alcohol Administration regulations.

Section 100.70 - Update to include the latest Federal Alcohol Administration regulations. Delete the subsection requiring that alcoholic content be stated on all wine labels. Delete any wording that is already included verbatim in the Liquor Control Act and not needed for clarification in the section.

Section 100.90 - Add what was 100.240(c) as 100.90(k), as the material is more appropriate in this section.

Section 100.100 - Add that changes within other corporate entities licensed by the Commission shall also be reported to the Commission.

Section 100.110 - Add commas to clarify the section.

Section 100.150 - Add language requiring the size of type to be used on labels for salvaged alcoholic liquor and language to substitute container for bottle or package to be consistent with the remaining language in that section.

Section 100.160(b) - Update to include new systems in the marketplace. Delete any wording that is now addressed in the Liquor Control Act. Add Section 100.290 to this section as it deals with the subject matter.

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ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 100.170 - Add language to (b) that the section refers to (a).

Section 100.180 - Add that a disposition of a fine may be imposed by the Commission for violation of this section. Amend "Warning Letters" to "Violation Discharge Letters" as they are currently titled.

Section 100.210 - Delete any wording that is now addressed in the Liquor Control Act.

Section 100.240 - pelete, as the section from the Liquor Control Act that this section interpreted or explained was repealed.

Section 100.250 - Add language detailing exceptions.

Section 100.270 - Add language detailing the invoicing and storage of the alcoholic liquor.

Section 100.280 - Delete wording that is now addressed in the Liquor Control Act .

Section 100.290 - Delete (c) and add to Section 100.160, which more appropriately deals with that subject matter.

Section 100.320 - Delete any wording that is already included verbatim in the Liquor Control Act and not needed for clarification in the section.

Section 100.350 - Add that the failure to file the transcript and/or required number of copies shall result in the appeal not being docketed for hearing.

Section 100.360 - make additions to give a complete citation.

Section 100.390 - Add language from the Illinois Administrative Review Law regarding transcripts filed in Administrative Review cases.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Anne T. Treonis Technical Advisor 111inois Liquor Control Commission 100 W. Randolph St. #5-300 Chicago, IL 60601 312/814-2604 The full text of the Adopted Amendments begins on the next page:

ILLINOIS LIQUOR CONTROL COMMISSION SUBTITLE A: ALCOHOL CHAPTER I:

PART 100

THE ILLINOIS LIQUOR CONTROL COMMISSION

Section

100.5

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Procedures Before the Commission (Renumbered) of-Ordingnee-(Renumbered)

Ex Parte Consultations (Renumbered) 100.400 100.410 Liquor the AUTHORITY: Implementing and authorized by Section 3-12(2) of Control Act [235 ILCS 5/3-12(2)].

31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective January 2, 1996, amended at 21 Ill. Reg. 5500 effective may 1, 1997; amended at 23 Ill. Reg. Of S. T. effective SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 20 Ill. Reg. 834, effective January 2, 1996; expedited correction at 20 Ill. Reg. 4469,

Section 100.10 Definitions

The following words or phrases are defined as follows:

- "Act" means the Illinois Liquor Control Act [235 ILCS 5]. ++
- "Airplane" shall be deemed to include railroads and airplanes. #
- beer, and, in the judgment of the state commune. "solid" means any consumed as a beverage by a human being. The word "solid" means any consumed as a beverage by a human being. becomes an alcoholic "Alcoholic Liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or ++

"Commission" means Illinois Liquor Control Commission.

- "Co-partnership" means an association of two or more persons to carry on as co-owners of a business for profit. d.
- "Corporation" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the Business Corporation Act of 1983 [805 ILCS 5], including a <u>limited liability company</u> bimited <u>bimited-biability-Company</u> as defined in this Section subsection---(m) †q
- "Event" means a single theme. 40
- recognized under the Illinois Limited Liability Company Act [805 ILCS "Limited Liability Company" means a legal business entity created and ↑E

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- or "Agent" means any individual employed by any licensed place of business, provided the sate individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as the such Commission shall from time to time prescribe. "Manager" £}
- filling or refilling an original package with alcoholic liquors the process of quality in purchased by such person, changes the degree or alcoholic liquors by any manner or means whatsoever. "Manufacturer" shall include every person who, ÷
- "Meal" means food that is prepared and served on the licensed premises and excludes the serving of snacks. t u

"Minor" means a person under 18 years of age. (See A.G. opinion No. S-672 12/27/73.)

- "Partner" is any individual who is a member of a co-partnership. t o
- executors, "Person" includes corporations, co-partnerships, associations, clubs, administrators or other personal representatives of decedents. trustees, receivers, assignees, individuals, to
- "Premises" or "Place of Business" means the place or location where beverages are manufactured, stored, displayed, or offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place alcoholic location. 9
- resided, and maintained a bona fide residence, in the State of Illinois for at least one year and in the city, village or county in which the premises covered by the license are located for at least 90 "Resident" means any person (other than a corporation) who has days prior to making application for such license. t a
- ≚Sampiing"--means--a-product-offered-at-an-off-premise-retail-licensee for---a---sales---promotion---of---no---more----than----tollowing amounts.--Bistilled--Spirits-la-1/2-oz.,-Wine-2-oz.,-and-Beer-6-oz.,-only one-product-per-day-may-be-sampled-and-the-sales-promotion-may-not--be †d
- system. A service bar may only be located in a kitchen, food preparation area, or wait or server station area of a retail licensee "Service Bar" means a place or location not within view of the general public where beer and wine may be poured and served through a draught 小町

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who primarily serves meals, as described in this Section 188-18(n).

- alcoholic products being an incidental part thereof. Only products registered with the State Commission may be tasted in the following Wine 1 oz., and Beer 2 oz.; notice or the tasting may be given. Tasting must be done by a licensee and/or a registered tasting representative in accordance with "Tasting" means a supervised presentation of alcoholic products to the public at an off-premise licensed retailer for the purpose consumption notice of the tasting may be given. Tasting must disseminating product information and education, with amounts: Distilled Spirits 1/4 oz., Section 100.40. 44
- "Test Marketing" means to test new products or products unfamiliar to the sampler through a marketing firm or the like. ţ

containing sugar, including such beverages when fortified by the addition of alcohol or spirits, provided that the alcoholic content thereof does not exceed "Wine" means any alcoholic beverage obtained by the fermentation the natural contents of fruits or vegetables, 24 per cent of alcohol by volume.

the--natural--contents--of--fruits--or--vegetables;--containing-sugarinciuding-such-beverages-when-fortified-by-the-addition-of-alcohol--or Spirits; as-defined-in-the-Act; provided-that-the-alcoholic-content "Wine"-means-any-aicoholic-beverage-obtained-by-the--fermentation--of thereof-does-not-exceed-24-per-cent-of-alcohol-by--volume----{235--IBGS 4

23 MAR I S 1996 (Source:

111.

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effective

Section 100.30 Violation of Federal Law, State Statute or City, Village County Ordinance or Regulation

No person holding a license issued by the this Commission shall in the conduct of the licensed business or upon the licensed premises:

1) Violate any Federal law or State statute Statute.

Violate any city, village, town or county ordinance or resolution regulating the sale of alcoholic liquors.

Suffer or permit a violation of any Federal law or law of the State of Illinois, or of any rule of the this Commission. 3)

Suffer or permit a violation of the city, village, town or county ordinance or resolution regulating the sale of alcoholic liguor. 4)

Violations may be proved by evidence that the licensee has been Illinois in the conduct of the licensed business or upon the premises, convicted of a violation of a Federal law or a law of the State of or has been found guilty of violating any city, village, town or county ordinance or resolution regulating the sale of alcoholic (q

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liquors.

any Federal law, <u>State</u> state statute, city, village, town or county ordinance or resolution or rule of the this Commission, shall be sufficient cause for <u>imposing a fine</u>, revocation or suspension of any license issued by the Commission, irrespective of whether or not a conviction has been obtained in any court.

(Source: Anended 15 1985) III.

STRITE - effective

Reg.

Section 100.40 Registration of Tasting Representatives

a) Any non-licensee wishing to conduct a tasting as defined in pursuant to Section 100.10(r) must register with the State Commission. A registered tasting representative acts as the agent of the licensee.

b) Registration is fulfilled by submitting a Commission form including the name, address, social security number and telephone number of the registrant; name, address and telephone number of the licensee for which the registrant will be acting and any other licensee being represented; and a \$100 administrative fee payable annually to the Commission. Registration shall be completed at least 14 days prior to the initial tasting. Any application received less than 14 days prior to the initial tasting will be assessed a \$25 late fee.

c) Registration identification, or a copy thereof, must be available for inspection during a tasting.

d) Any applicant must meet all eligibility requirements as stated in 235 ILCS 5/6-2.

(Source: Amendeds 1963t 23

378 7 = effective

Reg.

111.

Section 100.50 Advertising

a) General Requirements:

4 (1998) (±997), no malt beverages (27 CFR 6-P-R.-Section 7 (1998) (1997), no subsequent Administration Regulation No. 5 relating to the advertising of distilled spirits (27 CFR G-F-R--Section 5 (1998) (1997), no subsequent dates or editions) and Federal Alcohol Regulation No. 7 relating to the advertising of dates or editions), are hereby adopted and made a part of this Section for advertising of wine, distilled spirits and malt beverages insofar as the federal regulations are not contrary to, or inconsistent with, 4 relating to Alcohol the provisions of the laws of Illinois or this Part. G-F-R---Section Federal Alcohol Administration Regulation No. Federal subsequent dates or editions), advertising of wine (27 CFR Q

Advertising: 1) No licensee, or the agent or representative thereof, may

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advertise any alcoholic beverage in any medium intended for circulation, viewing or listening within this State unless such advertisement is in conformity with the provisions of this Part.

Such advertisement shall conform to the approved label upon the immediate container of the alcoholic liquor so advertised.

2)

 Such advertisements shall not contain illustrations of children nor shall they make use of any material which would make a special appeal to juveniles.

4) Such advertisements shall not contain any material which is false or untrue in any respect.

(Source: Amended at 23

23 111.

Reg.

€78 N = _ effective

Section 100.70 Labels

a) No manufacturer, nonresident dealer, distributor or importing distributor shall sell or deliver any package or container containing alcoholic liquor manufactured or delivered by that such person unless the package and/or container same is labeled in conformity with this

b) General requirements and Restrictions:

l) Federal Alcohol Administration Regulations Nos. 4, 5 and 7 relating to the labeling of wine, distilled spirits and malt beverages (27 CFR G-F-R-Section 4, 5, and 7, April 1998+997, not including any later amendments or editions), are hereby adopted and made a part of this Section for labeling every package or container of wine, distilled spirits and malt beverages, with the following exception exceptions: A)-Wine wine includes all products as defined in Section 1-3.03 of the Act [235 ILCS 5/1-3.03] and Section 100.1000000 this Part.

2) The aforesaid regulations shall apply to wine, distilled spirits and malt beverages packaged purely for intrastate commerce within the State of Illinois to the same extent as though intended for

interstate or foreign shipment.

3) No manufacturer, nonresident dealer, distributor or importing distributor shall affix any label to any package or container containing alcoholic liquor for sale or delivery in the State of Illinois until such label has been submitted to and approved by the federal government. Such manufacturer, nonresident dealer, distributor or importing distributor shall submit to the Illinois biquor-Control Commission a photostatic copy of the federal label approvel.

4) No--package--or--container-containing-alcoholic-liquor-labeled-as
"whiskey"-or-"gin"-may-be-imported-intoy-delivered-or-sold-in-the
State-of-illinois-unless-the-entire--alcoholic--content--thereofy
except--flavoring-materialsy-is-a-distillate-of-fermented-mash-of

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grain-or-mixtures-of-grains--Packages-or-containers-of--alcoholic tiguor--of--the--type--of--whiskey--or--gin-not-conforming-to-the requirement-must-be-labeled--4mintation--whiskeyw--or--uimitation gin",-as-the-case-may-be-

4)5+ Wine Labels

- A) Wine labels must contain the name and address of the manufacturer or the bottler of the product.
- For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County which the manufacturer or bottler is located, acceptable. B)

5)6+ Malt Beverage Labels

- the brewery which manufactured or canned or bottled the Malt beverage labels must contain the name and address product.
 - For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County which the manufacturer or bottler is located, is acceptable. in B)

6177 Distilled Spirits Labels

- of the product) followed by the name and Labels of all alcoholic liquors other than wine and malt beverages must contain either the phrase "Bottled By" or "Distilled By" (or other descriptive identification of the address of the bottler or manufacturer, as the case may be. manufacturer A)
 - For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County the manufacturer or bottler is located, is which acceptable. B)

7)87 No statement of age shall be made with respect to gins,

cordials, liqueurs or specialties.

8)94 The Commission shall withhold approval of any label if it has on the label may, in any manner, tend to deceive the purchaser as reasonable cause to believe that the wording or design to the true nature of such alcoholic liquor.

111. MAR 1 5 1989 Amended (Source:

effective 日本のとのとい Reg.

Section 100.90 Credit to Retail Licensees

The following rule shall govern in the application of the provisions of Section 6-57 of the Act [235 ILCS 5/6-5] relating to extension of credit to retail licensees by manufacturers, distributors and importing distributors:

in--such--event, all retail licensees under the common said ownership a) Where two or more retail licensees are controlled by common ownership and one or more of the retail licensees becomes delinguent, then, --and shall be deemed delinquent.

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- of a retail licensee, the first day shall be the day question, and all successive days shall be included, Sunday as well as the purchase determining holidays, up to and including the thirtieth successive day. purpose of immediately following the date of the invoice of the for In totaling the 30 day period (q
 - deposited and cleared within the period prescribed by the ordinary Payment by check on or before the thirtieth day following the date of the invoice shall be considered payment, providing the said check course of business. G
- shall not be deemed delinquent because of the delinquency of the said continuity of interest, direct or indirect, between the seller and the Where a bona fide sale of a retail business occurs, the purchaser the latter shall be deemed delinguent in the same manner, purchaser's predecessor in interest; however, in the event there is and to the same extent, as was the seller. purchaser, g)
 - Where there exists a bona fide dispute between the retail licensee and the wholesale licensee as to the fact of payment for of a given sale, the such sale in itself shall not be deemed sufficient grounds for considering the retail licensee delinguent. (e
- wholesaler, the such payment shall be deemed effective upon the receipt of the money, or check by the sate salesman or other agent. or other agent of Where a retail licensee pays a salesman, E)
 - Where a retail licensee is deemed delinquent and, therefore, not able to purchase for cash, or otherwise, any alcoholic liquors, the retail licensee may nevertheless, purchase beer for cash. 6
- Payment received from a delinquent retailer after the first business delinquency has been submitted to the State Commission will entitle manufacturer, importing distributor or distributor submitting the of the calendar week and before a verified written statement of said list to delete that retailer's name from the said list. the q
- Chairman, Executive Director or any individual so authorized by the delinquency and any affidavits or counter-affidavits before him or her. Any licensee objecting to such determination may request the Commission in writing for a hearing which will be set at the next Determinations of delinquency or non-delinquency shall be made by Chairman or Executive Director on the basis of the verified report regularly scheduled meeting of the Commission. į)
- simultaneously forwarded to those licensees listed therein by the manufacturer, importing distributor or distributor submitting the such A copy of any verified written list of delinquencies shall <u>_</u>
- tender as provided by the United States Code, checks (including certified checks, cashier's checks or traveler's debit cards, drafts and electronic transfer of funds, provided the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquor. Payment in cash by the retail licensee shall mean payment checks), 되

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(Source: Amended at	
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Section 100.100 Internal Changes Within Corporations

or other non-natural "persons" licensed by the Illinois Liquor Control Commission must report to the Commission within 30 days,-te-the--said--filtinois biquor -- Controt -- Commission, all internal changes in the said corporation, person" pertaining to change of name, officers, directors and stockholders holding in the aggregate more than five (5) percent of the said corporation and shall include the name, home address, sex, date of birth, social "person" licensed by the Commission is by another or other such corporations, non-natural "person," such licensee must report the name, home address, sex, date of birth, social security number, position and percentage of ownership (if five percent the licensee corporation, partnership, co-partnership, limited liability company, or other non-natural Ownership interest in the corporation, partnership, co-partnership, limited corporations, partnerships, co-partnerships, limited liability companies, partnership, co-partnership, limited liability company, or other non-natural not partnerships, co-partnerships, limited liability companies, any) of the individuals holding in the aggregate more than a security number, position and percentage of ownership (if any) the ownership of liability company, or other non-natural "person." that In the event reported. stock,

effective 三年 28 26 Reg. 111. 23 MAR 1 5 1950 Source:

Section 100.110 Application Forms

At least one person eligible to be issued, and to sign the application for_L a director, older (e.g., officer, liquor license must be 18 years of age or stockholder, manager, agent or partner).

effective 1-j-1 00 m Reg. 111. 23 MAR 1 5 1950 Source:

Section 100.150 Salvaged Alcoholic Liquors

- Insurance companies or their duly authorized representatives may take insured by such companies and damaged as a result of flood, wreck, fire or similar occurrence, possession of alcoholic beverages which insurance was provided. a)
 - Common carriers or their duly authorized representatives may take transported by such carrier possession of alcoholic beverages damaged in transit. q
- Alcoholic beverages salvaged as-in-paragraphs-a-and-b may be sold to below--shall have been complied with. Alcoholic beverages so salvaged retail licensees provided the conditions enumerated in this Section ô

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- type 12 point type, and-shail-be bold faced. The label shall be no less Each container of alcoholic beverages sold pursuant to this Section rule shall be labeled to identify the such goods as distressed merchandise. The letters on the label shall be no smaller than pica than two inches long and one inch wide, and shall be affixed diagonally over the regular label on each container bottle-or--package The label once applied be printed on the label: "The alcoholic beverages contained herein have been designated distressed merchandise by the Illinois Liquor Control Commission. This container has been salvaged from a fire, flood, wreck or similar catastrophe. This label is not affixed by the damage to the underlying product label. The following statement shall shall not be capable of removal without damaging the label or shall be referred to as "distressed merchandise". to any retail licensee. manufacturer. Do not remove this label." delivery t t prior ф
- distributor's license from the ####no#s-biquor-Control Commission. The application shall provide, "The applicant seeks to sell distressed merchandise in Illinois." Retailer's licenses may also be applied for, if the insurance company, common carrier, or representative of either, Any insurance company, common carrier, or representative of either, seeking to sell distressed merchandise shall first seeks to sell alcoholic liquors to consumers in Illinois. (e
- imported into Illinois for purposes of sale pursuant to this Section an affidavit by the insurance company's or common carrier's authorized representative must be presented to the Commission stating first hand knowledge that the distressed merchandise was salvaged from a fire, flood, wreck or similar catastrophe which occurred within the State of Illinois, stating with particularity the time, place and nature of the occurrence, and a complete inventory of the items so salvaged, rute. Prior to release of distressed merchandise for sale in Illinois, Alcoholic beverages so salvaged outside of Illinois may including as the quantity, brand names and container sizes. £)
- the event the tax provided under Art. VIII Sections-8-1-through the distressed merchandise, the applicant shall make payment of the ō payment must be presented to the Commission prior to release of such 8-14 of the Act [235 ILCS 5/Art, VIII 8-1-through-8-14] is unpaid tax on such merchandise to the Department of Revenue, and evidence distressed merchandise for sale in Illinois. In 9
- distressed merchandise Ft shall also indicate on this letter of application to sell such distressed merchandise in Illinois, whether the sale shall be by auction or to a place of the auction and the name of the auctioneer or other person authorized to sell such distressed merchandise shall be listed. If the sale is to be made directly to a given licensee or licensees, the name State retail liquor license number of such licensee or licensees, shall be listed. No sale may be made by auction to any person, firm or designated licensee. If the sale shall be by auction, the time and address of the licensee or licensees, together with the sell seeking An entity h)

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NOTICE OF ADOPTED AMENDMENTS

corporation not licensed under the provisions of the Act.

- release as-aforesaid shall not be issued until a physical inspection has been made of the merchandise by an authorized representative of Written approval and release for sale made under this Section hereunder must first be obtained from the Commission. Approval and the Commission in order to determine that the seller has complied with this Section compliance-has-been-had-with-the-provisions-of-this-Rule. any sale of distressed merchandise has shalt--have been representative, shall report in writing to the Commission the name of distressed merchandise and τ the quantities and brand names of such distressed purchased the carrier company, common the licensee or licensees who have the insurance merchandise. i)
- j) In the event that the <u>seller</u> insurance-companyy-common-carrier-by-this saley disposed of less than the entire inventory of distressed merchandise, the written report shall list the remaining inventory, indicating the quantity, container sizes and brand names, the place where such inventory is stored, and the person in control <u>or</u> efpossession of such inventory.
 - k) No distressed merchandise shall be sold in Illinois where the original packages shall have been so damaged as to render the label thereon illegible, or when the substantive labeling requirements under Section 6-7 of the Act [235 ILCS 5/6-7] and under Section 100.70 are not complied with as a result of the damage to the container.

(Source: Amended at 23 III. Reg. 378 25 = effective

Section 100.160 Sanitation

- a) All licensees must conduct their business in premises which are at all times kept clean and sanitary. This applies not only to licensed premises, but to places of storage as well. This includes also the place of storage for materials and equipment used in the manufacture
 - of alcoholic liquor. b) Cleaning Requirements
- 1) Each retailer, not using one of the systems referred to in subsection (b)(2), dispensing draught beer or wine shall have coils and other equipment used in drawing draught beer or wine cleaned at least once every week in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible.
- 2) Retailers utilizing systems such as "qlycol," "constant cold," "electronic," or "constant cleaning," which are designed to prevent build-up of contaminants in the dispensing system, shall be required to have coils and other equipment used in drawing draught beer or wine cleaned at least once every two weeks in some manner or means, either chemical or mechanical, and monitor

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the operation of the system to determine it is operational and to verify its proper functioning, at least once every week.

- 3) A record shall be kept of the dates when the cleaning was done, signed by the person who actually performed the cleaning and monitoring.
- c) Any--manufacturery--importing--distributor-or-distributor-who-pays-for the-cleaning-of-coils-of-any-retailer-is--in--violation--of--235--ibes
- On or retail licensee shall offer for sale or possess on the licensed premises any bottles, casks or other containers of alcoholic liquor which contain any deleterious, contaminated, filthy, or putrid substance or insects.
 - d) No licensed manufacturer or importing distributor shall fill or refill any container of alcoholic liquor unless such person possesses upon the licensed premises adequate and sanitary equipment for cleaning, washing and sterilizing such container, and uses use such equipment before filling or refilling a container.
- all sanitation requirements as found in this Section, along with all prohibitions against refilling as found in Section 100.290(c). All pre-mix dispensing containers or systems must be drained, contents disposed of, and thoroughly cleaned at least once every week. For mechanical systems a record shall be kept on the premises as to the dates the cleaning was done, signed by the person who actually performed the cleaning.

(Source: MART 5 1999at 23 Ill. Reg. 37 8 7 = =, effective

Section 100.170 Taps

- a) Each retail licensee selling malt beverages or wine on draught for consumption on the premises shall display a sign on, over or near each tap or faucet showing the trademark trade-mark, brand or name of alcoholic liquor. This sign must be visible to patrons for a distance of at least ten feet unless it is a service bar as defined in Section 100.10(**s).
- b) <u>Pursuant to subsection (a) of this Section</u>, no No licensee shall substitute any other brand of malt beverages or wine in place of the brand designated by such visible sign and the licensee shall be prepared at all times to serve any malt beverages or wine that are advertised by such sign or signs upon the premises.

(Source: Amenged 1999 23 III. Reg. 378 7 = 2

effective

Section 100.180 Procedure Before Commission on Citations

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- Commission shall have the right to proceed by citation and notice of hearing, to require any licensee of the Commission to appear be suspended or revoked or a fine imposed for violations of the Illinois Liquor Control Act or this Part at a time and place specified in the notice to show cause why the-Rules-or-Requistions-issued-pursuant-thereto. license should not a)
 - notice of hearing against a licensee for failure to respond to any correspondence shall include but is not limited to any Violation This Commission shall also have the right to proceed by citation and Discharge Warning Letters, Offers in Compromise, and Pre-Disciplinary correspondence. Commission Ellinois----biquer----Centrol Conferences.
- All such original proceedings shall be instituted by complaint in regulation to have been violated and the facts in detail upon which such allegation is based and shall be signed by the Chairman or any member writing, shall state the particular provision, rule or of the Commission. alleged (q
- The licensee against whom a complaint has been filed shall be entitled be served with a copy of the complaint or citation and shall be given notice of the time and place set for the hearing of the to ô
- A Said citation and notice of hearing shall be served on the licensee named in the citation therein not less than ten-{ 10} days prior to the date specified in the notice of hearing. q)
- The Said licensee named in the citation and notice of hearing shall appear at the time and place designated in the citation and notice hearing. (e

effective - - 1828 - - - 1828 Reg. 111. 23 (Source: Amended at

Section 100.210 Inducements

- Distributors servicing, balancing, or inspecting draft beer or wine to replace or install rods, taps, faucets, fittings and lines in draft beer or wine dispensing equipment, shall not be considered a subsidy. However, free cleaning of coils by a distributor Bistributor or by a company whose services are paid for by a distributor Distributor shall be considered a subsidy, or something of value in violation of Sections 6-5 and 6-6 systems at regular intervals, and providing labor of the Act [235 ILCS 5/6-5 and 6-6]. a)
 - Courtesy wagons Wagons and/or coil boxes and pumps may be supplied by a distributor Bistributor free of charge one time per year for a one day period to a retail liquor licensee for picnics held by the retailer for the retailer's customers. However, this is not to be construed to mean that free beer or wine may also be supplied to a retail licensee. (q
- Courtesy wagon Wagons and/or coil boxes and pumps may be supplied by ς υ

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construed to mean that free beer or wine may also be supplied to a distributor Bistributor for a picnic, carnival or social event that is given by or under the auspices or sponsorship of a municipal, charitable, fraternal or social organization and that will be licensed as a Special Event Retailer. However, this is not to retail licensee. religious,

23 (Source: Amendad 15 1999

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Reg.

14 14 200

effective

Checks and Their Equivalent of Section 100.240 Transactions Involving Use (Repealed)

- be-deemed-the-extension-of-credit-within-the-meaning-of-the--foregoing for--any--goods;--wares-or-merchandise;-or-in-payment-for-any-services rendered.---The-use,---however,--of--money--orders,--traveler4s--checks, provisions--if--not--postdated--and--if-deposited-and-collected-in-due No-person-shall-sell-or-furnish-alcoholic--liguor--at--retail--to--any person-on-credit-or-on-a-passbook,-or-order-on-a-store,-or-in-exchange drafts--or--checks-or-the-equivalent-of-any-of-the-foregoing-shall-not 41
- equivalent-to-the-use-of-bank-checks-or-bank--draftsy--if--the--retail alcoholic--liquor--consumed-at-retail-on-the-premises7-shall-be-deemed <u>licensee-honoring-such-credit-cards-or-authorizations-receives-payment</u> The-use-of-credit-cards-or-other-authorizations,-irrespective-of-form, when-presented-to-and-honored-by-a-retail--licensee--for--payment--for in-due-course-from-such-agency-on-a-non-recourse-basis-49
- Payment--in--cash--by--the-retail-licensee-shall-mean-payment-in-tegal tender-as-provided--by--the--United--States--Code,--checks--(including Gertified--checks;--Cashieris--checks;--gelleris--checks-or-yraveleris checks},--drafts--and--electronic--transfer--of--funds,--provided--the transfer-of-funds-is-initiated-by-an-irrevocable-payment-order--on--or before-delivery-of-the-alcoholic-liquor: to
 - The--use--of--identification--cards--issued-by-a-retail-licenseer-when presented-to--and--honored--by--a--retail--licensee--for--payment--for identification--cards--or--authorizations--has--on--file--for-all-card alcoholic--beverages--is--not--received--in--due--course-from-the-card obtaining--alcoholic--liguory-shall-be-deemed-equivalent-to-the-use-of bank-checks-or-bank-drafts---if--the--retait--litcensee--honoring--such holders-a-current,--valid--major--credit--card,--lf--payment--for--the holdery-then-the-retail-licensee-must-charge-the-currenty-validy-major predit-card-in-its-filet to

(Source: MAR 15 1999

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Section 100.250 Transfer of Alcohol

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The holder of a retail license for the privilege of selling alcoholic liquors at retail on the premises specified in the such license, for use or consumption, is hereby restricted to such sale from the licensed premises only and is not permitted to such sale from the licensed premises only liquor to any other retail licensee or licensed premises. This Section does not apply to transactions not in the ordinary course of business, such as a business closure, if prior approval is given by the Commission.

Section 100.270 Multi-Use Facilities

A multi-use facility, such as a hotel, conference center, stadium, or and theater, which has been issued more than one local and State liquor license but has an identical Illinois Business Retailer's Occupational Tax number; may store alcoholic liquor at one central location within the multi-use facility. The alcoholic liquor shall be invoiced and stored separately within the central location by State liquor license number for investigative purposes.

(Source: Amended 1 at 1999 23 Ill. Reg. 3 18 7 = ; effective

Section 100.280 Giving Away of Alcoholic Liquors

a) No licensee, individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic

products.

- b) No licensee, individual, partnership, or corporation shall advertise or promote in any way, whether on or off licensed premises, any of the practices prohibited under subsection (a) of this Section above. This includes, but is not limited to, advertisements using the words "free" or "complimentary" with alcoholic liquor.
- c) Subsection (a) above shall not apply to sampiing r test marketing or tasting.

(Source: MARE165495gt 23 III. Reg. 8787 = effective

Section 100.290 Refilling

No retail licensee shall offer for sale, or possess on the said licensed premises:

a) Any original package of alcoholic liquor which contains any kind or quality of alcoholic liquor other than that which has been sealed and labeled by the manufacturer or nonresident dealer. of--alcoholic liquory-to-contain-and-to-convey-the-said-alcoholic-liquory-

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NOTICE OF ADOPTED AMENDMENTS

- b) Any original package of alcoholic liquor to which there has been added any water or other substance.
- c) Any--bottles,--casks,--or-other-containers-containing-alcoholic-liquor which-contain-any-deleterious,-contaminated,-filthy,-putrid--substance or-insects.

(Source: Amended at 23 Ill. Reg. OF RET. effective

Section 100.320 Airplanes

or outside of the State of Illinois on a non-tax paid basis and to file with the Illinois Department of Revenue of the State of Fithers, as may be required by the Department, a bond and monthly liquor gallonage reports, and make iiquors-in-the-State:-b}-90-import-and-purchase-aicohoiic-iiquors-directiy-from distributors, distributors, or foreign importers within the State of Illinois payment of gallonage tax due for those alcoholic liquors sold or dispensed in do--the--following:--mj--To--import-mlcoholic-liquors-from-mny-point-in-the United-States-outside-of-the-State-of-Ellinois,--and--to--store--the--alcoholic non-resident-deaters;-manufacturers;-producers;-foreign-importers;-distributors and-importing-distributors-from-within-or-outside-of-the-State-of-Illinois-and to-store-the-alcoholic-liquors-in-the-State.-c)-To-make-such-purchases purchase alcoholic liquor whether from non-resident dealers, manufacturers, importing permitted conformity with the procedures and standards as set forth in Sections 8-1, 8-2, the State of Illinois. All of this is to be done in accordance with and The holder of an airplane license issued by the Commission shall be and 8-3 of the Act [235 ILCS 5/8-1, 8-2, and 8-3].

- d) Ali-auch-privileges-res-rect-forth-in-subsections-(a)-through-(c)-of-this-beckion-shalt-in-exercised-only-in-connection--with--the importationy--purchasey--or-storage-of-alicoholic-liquors-to-be-used-in connection-with-the-sale-or-dispensing--of--alcoholic-liquors--on--an connection-with-the-sale-or-dispensing--of--alcoholic--liquors--on--an
- e) The -holder-of-an--airplane-license--shall--not-sell-for-resale-any alcoholic-liquors-to-any-licensee-within-the-State-of-Ellinois-

Source: Amended at 23 III. Reg. 37877 = effective

Section 100.350 Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13] and Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25]:

- a) In all cases where an appeal from an order or action of the local liquor control commissioner is filled with the this Commission, the party filing the appeal shall furnish, along with the petition to appeal:
 - 1) a copy of the citation and notice of hearing before the local

NOTICE OF ADOPTED AMENDMENTS

liquor control commissioner, if any;

- or order of the local liquor control of the decision commissioner; 2)
- of number a copy of any local ordinances charged to be violated; License State Retail Liquor 4) 3

the

- a statement indicating whether or not the licensee has, within the last 12 month period, had a suspension or revocation placed the said licensee, and if so, all the details relating to the suspension or revocation thereto. establishment involved; 2
- the record, a certified official record of the proceedings taken and prepared by a the local liquor control commissioner within 5 days after notice of the filing of the such appeal, if the appellant licensee pays for the transcript and five additional copies. The failure to file the certified court reporter, along with all exhibits, shall be filed by certified official record of the proceedings before the local liquor control commissioner, without sufficient written explanation, shall result in the appeal not being docketed for hearing, as originally In all cases where an appeal is to be heard upon scheduled, or as continued by the Commission. (q
- The parties shall file six copies of any documents filed in connection being docketed for hearing, as originally scheduled, or as continued The failure to file six copies of any document to be considered by the Commission shall result in the appeal with the said appeal. by the Commission. ô
- has been accepted by the this Commission, Section 100,230 of this Part the -- Illinois -- Liquor -- Control - Commission shall become effective, when an appeal Upon notice to the local liquor control commissioner that applicable. q)
 - All materials filed with the this Commission shall be served upon the opposing party, or parties in interest. (e)
- accompany all materials filed with the this Commission and served upon Proof of service upon the opposing party or parties in interest shall Commission All documents shall be served upon the such parties. the .X f)
 - Personal delivery;
 - United States mail, enclosed in an envelope, plainly addressed, with postage prepaid; 12
- material filed with this Commission shall be filed at James R. appropriate copies are also served via subsection (f)(1) or (2). documents original provided facsimile machine, 3 g
- Randolph Street, Room 5-300, Chicago, College Street, 1st Floor, Springfield, s. Thompson Center, 100 West or 222 Illinois 60601 Illinois 62704.
 - shall be detailed in written communication to the Commission. The inability of any party to comply with the foregoing h)

effective 11! 2~ 00 Reg. 111. 23 t a (Source: Amended

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ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENTS

MAR 1 5 1999

Section 100.360 Review on Record -- Certification of Ordinance

to Sections 3-12, 3-13 and 7-9 7-69 of the Act [235 ILCS 5/3-12, 3-13 and 7-9 7-69] and the Illinois Administrative Procedure Act [5 ILCS 100]: Pursuant

- In all cases where an appeal shall be on the record pursuant to the bocal-biquor-Control-Commissioner shall resolution adopted which requires that review shall be on the record. liquor control commissioner bocal-biquor-Control-Commissioner sh file with the this Commission a certified copy of the ordinance requirements of Section 7-9 of the Act [235 ILCS 5/7-9], the
- it shall serve as proof of the resolution for all subsequent appeals from that local decision, upon a certified representation, signed by becat---biquer---Control Commissioner that the resolution is currently in force and effect as Once the such-a certified copy is so filed with the this Commission, commissioner applied to the pending matter. control the local liquor q
 - All parties may also stipulate that review shall be on the record. ô

effective 111 **R**-Reg. 111. 23 (Source: Amended at 1999

Review--on--Record-Review 100.390 Transcripts--Administrative Gertification-of-Ordinance (Renumbered)

and certifying the record of the proceedings before the Commission. Failure to 3-108 of the Administrative Review Law and shall be authority for Pursuant to Section 7-11 of the Illinois Liquor Control Act [235 ILCS 7-11] and Section 3-109 of the Illinois Administrative Review Law [735 ILCS 5/3-109], any party seeking judicial review of any order of the Commission shall pay the cost the official record. The party requesting administrative review in the Circuit Court shall pay to the Commission the costs of preparing make that payment prior to the time the Commission's answer to the complaint is due shall relieve the Commission of the necessity of filing the answer required Commission, which of the transcripts of such hearings conducted by the Commission, the entry of an order by the court, on motion therefor by dismissing the complaint with costs. become a part of Section

effective (i) [t] 00000 Reg. 111. 23 (Source: Added at

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DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Tax
Income
Part:
the
of
Heading

7

- 86 Ill. Adm. Code 100 Code Citation: 2)
- Adopted Action: Amendment Section Numbers: 100.2470

3

- Statutory Authority: 110 ILCS 979/55 4
- Effective Date of Amendment(s): March 11, 1999 2
- Does this rulemaking contain an automatic repeal date? No (9
- No Does this amendment contain incorporations by reference? 7
- reference, is on file in the agency's principal office and is available A copy of the adopted amendment, including any material incorporated for public inspection. 8
- 22 1998, 9 Notice of Proposal Published in Illinois Register: November Ill, Reg. 19509 6
- S Has JCAR issued a Statement of Objections to these Amendments? 10)
- Differences between proposal and final version: The only changes made grammar and were the ones agreed upon with JCAR. The changes made were punctuation or technical. No substantive changes were made. 11)
- the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes Have all 12)
- Will this amendment replace an emergency amendment currently in effect? No 13)
- Are there any amendments pending on this Part? No 14)
- Summary and Purpose of Amendment(s): Section 55 of the Illinois Prepaid Tuition Act [110 ILCS 979/55] provides that assets of the Illinois Prepaid subtractions allowed for amounts exempt from taxation by virtue of Illinois law to provide for the exemptions allowed in Section 55 of the Illinois Prepaid Tuition Act. Tuition Trust Fund and its income are exempt from taxation, and that disbursements to a beneficiary are exempt from taxation to the extent used for educational purposes in compliance with the provisions of an Illinois prepaid tuition contract. This rulemaking amends the rule governing 15)
- Information and questions regarding this adopted amendment shall directed to: 16)

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NOTICE OF ADOPTED AMENDMENTS

Associate Chief Counsel - Income Tax Illinois Department of Revenue Springfield, Illinois 62794 Legal Services Office Phone: (217) 782-7055 101 W. Jefferson Paul Caselton

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

CHAPTER I: DEPARTMENT OF REVENUE TITLE 86: REVENUE

INCOME TAX PART 100

SUBPART A: TAX IMPOSED

Net Income (IITA Section 202) Introduction 100.2000 100.2050 Section

CREDITS SUBPART B:

Sub-Zone Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Investment Credit; Enterprise Zone (IITA 201(f)) Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Replacement Tax Investment Credit (IITA 201(e)) 201(e)) 100.2100 100.2101 100.2110 100.2120 Section

Investment Credit; High Impact Business (IITA 201(h)) (IITA 201(g)) 100.2130

Credit Against Income Tax for Replacement Tax (IITA 201(i)) 100.2140

Research and Development Credit (IITA 201(k)) Training Expense Credit (IITA 201(j)) 100.2150 100.2160

Tax Credits for Coal Research and Coal Utilization Equipment (IITA 100.2170

Dependent Care Assistance Program Tax Credit (IITA 210) Credit for Residential Real Property Taxes (IITA 208) 100.2180

NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS OCCURRING PRIOR TO DECEMBER 31, 1986 SUBPART C:

Section

o£ Unitary Business Groups: Treatment by Members of the Unitary Net Operating Losses Occurring Prior to December 31, 1986, of the Unitary Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; December 31, 1986, Unitary Business Groups: Treatment by Members of Business Group: (IITA Section 202) - Definitions to Business Group (IITA Section 202) - Scope Net Operating Losses Occurring Prior 100.2200 100.2210 100.2220

Net Operating Losses Occurring Prior to December 31, 1986, of Members of the Unitary Unitary Business Groups: Treatment by Members of the Unitar Business Group: (IITA Section 202) - Carrybacks and Carryforwards Offsets Between Members 100.2230 100.2240

Net Operating Losses Occurring Prior to December 31, 1986, of

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οĘ Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined of the Unitary of Combined Net Unitary Business Groups: Treatment by Members of the Unitary Net Operating Losses Occurring Prior to December 31, 1986, by Members) - Effect Operating Loss in Computing Illinois Base Income Unitary Business Groups: Treatment by Business Group: (IITA Section 202) Apportionment Year 100.2250

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER

DECEMBER 31, 1986

ø After Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Separate Unitary Versus Combined Unitary ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, οĘ of or Illinois Net Loss Deductions of Corporations That are Members Illinois Net Loss Deductions of Corporations that are Members Determination of the Amount of Illinois Net Loss Carryovers ő Illinois Net Loss Deductions for Losses Occurring Computation of the Illinois Net Loss Deduction Unitary Business Group: Changes in Membership Occurring on or After December 31, 1986 Unitary Business Group: December 31, 1986 Returns ы ы 100.2300 SUBPART 100.2310 100.2320 100.2330 100.2340 100.2350 Section

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Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G)) 100.2470 Section

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Carriers, Air Railroads, Motor . Jo Taxation of Certain Employees Carriers and Water Carriers 100.2590

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REVENUE OF DEPARTMENT

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Aside for Charity

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Allocation of Compensation Paid to Nonresidents (IITA Section 302) Compensation (IITA Section 302) State (IITA Section 302) 100.3100 100.3110 100.3120 Section

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TIME AND PLACE FOR FILING RETURNS ä SUBPART

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	Individuals	All Taxpayers
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	Returns:	Place for Filing Returns:
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10111111	100.5000	100.5010

Correction of Underwithholding or Overwithholding (IITA Section 701)

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100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section	505)	Taxpayer's Notification to the Department of Certain Federal Changes	Arising in Federal Consolidated Return Years, and Arising in Certain	Loss Carryback Years (IITA Section 506)
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COMPOSITE RETURNS SUBPART O:

		Agent		of Income				of Operation"
	Eligibility	Responsibilities of Authorized Agent	Individual Liability	Composite Returns: Required forms and computation of Income	Estimated Payments	Tax, Penalties and Interest	Composite Returns: Credit for Resident Individuals	Composite Returns: Definition of a "Lloyd's Plan of Operation"
	Returns:	Returns:	Returns:	Returns:	Returns:	Returns:	Returns:	Returns:
	Composite Returns:	Composite Returns:	Composite Returns:	Composite	Composite Returns:	Composite Returns:	Composite	Composite
Section	100.5100	100.5110	100,5120	100.5130	100.5140	100.5150	100.5160	100.5170

SUBPART P: COMBINED RETURNS

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Sect 10n	100.5200	100,5201		100.5205	100.5210	100.5220	100.5230	100.5240	100.5250	100.5260	100,5265	100.5270	100,5280		Section	100,7000	100.7010	100.7020

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TA Section 702)	Withholding Exemption Certificate (IITA Section 702) Exempt Withholding Under Reciprocal Agreements (IITA Section 702)	100.7110
	100.7100 Withholding Exemption (IITA Section 702)	100.7100

SUBPART S: INFORMATION STATEMENT

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	n 703	
	(IITA Section	
	(IITA	
	Employee	
	for	
	Reports	
34001	100.7200	

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	Returns of Income Withheld from Wages (IITA Section 704)	Quarterly Returns Filed on an Annual Basis (IITA Section 704)	Time for Filing Returns (IITA Section 704)	Payment of Tax Deducted and Withheld (IITA Section 704)	Correction of Underwithholding or Overwithholding (IITA Section	704)
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	ction	~	106
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Sec	100	100	100

SUBPART V: NOTICE AND DEMAND

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Section	
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Notice	
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	Notice and Demand (IITA Section

SUBPART W: ASSESSMENT

		Section 907)
		S (IITA
	n 903)	s on Assessments
	Assessment (IITA Section 9	Waiver of Restrictions on
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(IITA	Groups	Business	Unitary	Application of Tax Payments Within Unitary Business Groups (IITA	100.9310
		904)	Section	100.9300 Deficiencies and Overpayments (IITA Section 904)	100.9300
					Section

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100.9320	100.9330

SUBPART Y: CREDITS AND REFUNDS

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IITA 8	for	Refu
Refunds ()	on Claims	Erroneous
Credits and	Limitations	Recovery of Erroneous Refund (IITA Section 912)
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	100.9400 Credits and Refunds (IITA Section 909)	

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	Group
	Unitary Business
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Section	100.9700

SUBPART CC: LETTER RULING PROCEDURES

Letter Ruling Procedures

Section 100.9800

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Income	Example of Unitary Business Apportionmen	Example of Unitary Business Apportionment for Groups Which Include	Members Using Three-Factor and Single-Factor Formulas
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Business Income Of Persons Other Than Residents	Example	Example	Members
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APPENDIX A	TABLE A	TABLE B	

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s Income Tax Act [35 ILCS 5] and authorize	ILCS 5/1401]
Act	[32
Tax	Act
the Illinois Income	1401 of the Illinois Income Tax Act [35 ILCS 5/1401]
Implementing the Illinois	1401 of the
AUTHORITY:	by Section

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SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg.	49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective	January 7, 1981; amended at 5 111. Reg. 4617, effective April 14, 1981; amended	at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537,	effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981;	amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg.	6843, effective June 16, 1981; amended at 5 Ill, Req. 13244, effective November
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effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 III. Reg. 4865, effective February 25, 1988; amended at 12 III. Reg. 6748, effective March 25, 1988; amended at 12 III. Reg. 11766, effective July 1, III. Reg. 8917, effective May 30, 1989; amended at 13 III. Reg. 10952, effective June 26, 1989; amended at 14 III. Reg. 4558, effective March 8, 1990; 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 14189; amended at 17 Ill. Reg. 19632, effective recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 III. Reg. 6981, effective May 7, 1996; amended at 20 III. Reg. 10706, effective Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, 9, 1993; Reg. 2494, effective January 28, 1994; amended at 18 111. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; July 29, 1996; amended at 20 Ill. Reg. 13365, effective 220 Fll. Reg. 19033, effective

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(3)(3)(3)(R) and Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of

a) In calculating base income, taxpayers are entitled to subtract an to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or amount equal

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State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amoritization (IITA 203(a)(2)(N)). There are also provisions of Illinois law that exempt the income of certain treaties or statutes of the United States; provided that, in the case of any statute of this obligations of state and local governments from Illinois Constitution or by reason of the Constitution, taxation (see See subsection (f), below).

Interest on obligations of the United States. A federal statute exempts stocks and obligations of the United States Government, as well as the interest on the obligation(s), from state income taxation (See See 31 USCA 8-5-8-8- 3124(a)). (q

144, 99 L. Ed. 2d 950, 955, 75 S. Ct. 607, 608. Hibernia v. City "Obligations of the United States" are those obligations issued "to secure credit to carry on the necessary functions of government." Smith v. Davis (1944) 323 U.S. 111, 119, 89 L. Ed. Constitution. Society for Savings v. Bowers (1955) 349 U.S. 143, County of San Francisco (1906) 200 U.S. 310, 313, 50 L. Ed. 496, 26 S. Ct. 265, 266. S. Ct. 157, 161. The exemption is aimed the "Borrowing" and "Supremacy" clauses of 107, 113, 65 protecting and

following the ssessod instruments Tax-exempt credit characteristics:

they are written documents,

they bear interest,

iii) they are binding promises by the United States to pay specified sums at specified dates, and

they have congressional authorization which also pledges the faith and credit of the United States in support of the promise to pay. Smith v. Davis, supra. iv)

A governmental obligation that is secondary, indirect, or obligor's primary obligation to pay the principal amount of and interest on a note, is not an obligation of the type exempted under 31 USC 8-5-6- Section 3124(a). Rockford Life contingent, such as a guaranty of a nongovernmental Ins. Co. v. Department of Revenue, 107 S. Ct. 2312 (1987). B)

Based on the above, the following types of income are exempt under 31 USCA W-S-C-A- Section 3124(a): 2)

A) Interest on U.S. Treasury bonds, notes, bills, certificates, and savings bonds.

Income from GSA Public Building Trust Participation Series, Series F; Third Series, Series G; Fourth Series H Series A through E; Certificates: First Series,

Income exempted by reason of other federal statutes. Federal statutes provide exemption from state income taxation with respect to various specifically named types of income. Following is a list (intended to be exhaustive) of exempt income and the specific statutes to which ô

NOTICE OF ADOPTED AMENDMENTS

each item relates:

- obligations issued by Banks for Cooperatives (12 USCA H-5-8-A-Banks for Cooperatives - Income from notes, debentures, and other
- notes, debentures, and other similar obligations issued by Commodity Credit Corporation - Interest derived from Commodity Credit Corporation (15 USCA #+8-6-A+ 713a-5). 2)
- Farm Credit System Financial Assistance Corporation (Financial Assistance Corporation) - Income from notes, bonds, debentures, and other obligations issued by the Financial Assistance Corporation (12 USCA H-5-6-A- 2278b-10(b)). 3
 - Federal Deposit Insurance Corporation Interest derived from debentures, bonds, or other such obligations issued by Federal Deposit Insurance Corporation (12 USCA 0.8-0.A. 1825). notes, 4)
- Federal Farm Credit Banks Income from consolidated system-wide Farm Credit System (12 USCA W-8-0-A- 2023; 12 USCA W-8-0-A- 207; notes, bonds, debentures, and other obligations issued jointly and severally under 12 USCA W-S-C-A- 2153 by Banks of the Federal 12 USCA #:5:6:A: 2098; and 12 USCA #:5:6:A: 2134). 2
- debentures, bonds, and other such obligations issued by Federal Home Loan banks and from consolidated Federal Home Loan bonds and derived from notes, Federal Home Loan Banks - Interest debentures (12 USCA H.S.e.A. 1433). (9
 - debentures, bonds, and other obligations issued by Federal from Banks - Income Intermediate Credit Banks (12 USCA 8-5-6-A- 2079). Credit Intermediate Federal 7
- Federal Land Banks and Federal Land Bank Association Income from notes, debentures, bonds, and other obligations issued by Federal Land Banks and Federal Land Bank Associations (12 USCA H-S-C-A- 2055). 8
- from notes, bonds, debentures, and other such obligations issued Federal Savings and Loan Insurance Corporation - Interest derived by Federal Savings and Loan Insurance Corporation (12 USCA ₩-8-6-A- 1725(e)). 6
- Financing Corporation (FICO) Income from obligations issued by the Financing Corporation (12 USCA U-S-C-A- 1441(e)(8)). 10)
 - General Insurance Fund 11)
- A) Interest derived from debentures issued by General Insurance Fund under the War Housing Insurance Law (12 USCA 1739(d)); or
 - Interest derived from debentures issued by General Insurance Fund to acquire rental housing projects (12 USCA H-9-6-A-1747g(g)); or B)
- Insurance Debentures issued by the General Insurance Fund Interest derived from Armed Services Housing (12 USCA W-S-C-A- Section 1748b(f)). ပ
 - Guam (48 USCA #+5+e+A+ 1423a). This income is not presently - Interest derived from bonds issued by the government of 12) Guam

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ncluded in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.

- after February 3, 1988 (12 USCA W-S-E-A- 1710(d)). This income is not presently included in federal taxable income. Under are issued in exchange for property covered by mortgages insured Illinois law, it must be added back to federal taxable income and Mutual Mortgage Insurance Fund - Income from such debentures as then claimed as a subtraction on an Illinois income tax return. 13)
- Liquidity Facility - Income from the notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility Central National Credit Union Administration (12 USCA H-S-C-A- 1795K(b)). 14)
 - and other obligations issued by Production Credit Association (12 Production Credit Association - Income from notes, debentures, USCA H-6-6-A- 2098). 15)
- Government of Puerto Rico (48 USCA W-S-C-A- 745). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return. issued Puerto Rico - Interest derived from bonds 16)
 - Railroad Retirement Act Annuity and supplemental annuity as qualified under the Railroad Retirement Act of 1974 (45 USCA W.S.C.A. 23lm). Please be sure to use the line specified on your Illinois return for this item. payments 17)
- Railroad Unemployment Insurance Act Unemployment benefits paid pursuant to the Railroad Unemployment Insurance Act (45 H-6-€-Å- 352(e)). 18)
- Resolution Funding Corporation Interest from obligations issued Resolution Funding Corporation (12 USCA H-5-6-A-1441b(f)(7)(A)). the 19)
- Special Food Service Program Assistance to children under the Special Food Service Program (42 USCA H-5-6-A- 1760(e)). 20)
- Student Loan Marketing Association Interest derived from obligations issued by the Student Loan Marketing Association (20 $\,$ USCA W.B.e.A. 1087-2(h)(221)). 21)
 - Tennessee Valley Authority Interest derived from bonds issued by the Tennessee Valley Authority (16 USCA 0.5.0.A; 83ln-4(d). 22)
- United States Postal Service Interest derived from obligations issued by the United States Postal Service (39 USCA H-S-8-A-2005(d)(4)). 23)
- taxable federally. Under Illinois law, it must be added back to H-B-E-A-1574(b)(ii)(A)). This income is not presently included in income federal taxable income and then claimed as a subtraction on Virgin, Islands - Interest derived from bonds issued (48 the Virgin Islands Illinois income tax return. Government of 24)
 - Distributions from money market trusts (mutual funds). Taxpayers may q

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subtract income received from any of the obligations listed in subsections (b) and (c) above, even if the obligations are owned indirectly through owning shares in a mutual fund.

If the fund invests exclusively in these state tax exempt obligations, the entire amount of the distribution (income) from

the fund may be subtracted.

2) If the fund invests in both exempt and non-exempt obligations, the amount represented by the percentage of the distribution that the mutual fund identifies as exempt may be subtracted.

g) If the mutual fund does not identify an exempt amount or percentage, taxpayers may figure the subtraction by multiplying the distribution by the following fraction: as the numerator, the amount invested by the fund in state-exempt U.S. obligations; as the denominator, the fund's total investment. Use the year-end amounts to figure the fraction if the percentage ratio has remained constant throughout the year. If the percentage ratio has not remained constant, take the average of the ratios from the fund's quarterly financial reports.

e) Getting a refund of tax you already paid. If you paid Illinois income tax on these state tax exempt distributions, you may file an amended return (IL-1040-X) to claim a refund for any year still within the statute of limitations.

f) interest on interest of the state and local governments. Income from state and local obligations is not exampt from Illinois income tax except where authorizing legislation adopted after August 1, 1969, specifically provides for an exemption. To date, authorizing legislation provides exemption for the income from the securities listed below. Taxpayers must show income from these exempt bonds as an addition and then as a subtraction on the Illinois income tax return. Income from these bonds is not exempt if the bonds are owned indirectly through owning shares in a mutual fund.

 Notes and bonds issued by the Illinois Housing Development Authority (except housing-related commercial facilities notes and bonds) [20 ILCS 3805/31].

2) Bonds authorized pursuant to the Export Development Act of 1983 (former Ill. Rev. Stat. 1991, ch. 127, par. 2513, repealed by

P.A. 87-860, effective July 1, 1992).
3) Bonds issued by the Illinois Devo

 Bonds issued by the Illinois Development Finance Authority pursuant to Sections 7.50 - 7.61 (venture fund and infrastructure bonds) [20 ILCS 3505/7.61].

 Bonds and notes issued by the Quad Cities Regional Economic Development Authority, if the Authority so determines [70 ILCS 510/11, 510/13, 515/11, and 515/12].

 College Savings Bonds issued under the General Obligation Bond Act in accordance with the Baccalaureate Savings Act [110 ILCS 920/7]. 6) Bonds issued by the Illinois Sports Facilities Authority (White Sox Bonds) [70 ILCS 3205/15].

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- 7) Bonds issued on or after September 2, 1988, pursuant to the Higher Education Student Assistance Act [110 ILCS 947/145] (transferred from 105 ILCS 5/30-15.18 by P.A. 87-997).
 - 8) Bonds issued by the Illinois Development Finance Authority under the Asbestos Abatement Finance Act [20 ILCS 3510/8].
- 9) Bonds and notes issued under the Rural Bond Bank Act [30 ILCS 360/3-12].
 10) Income earned on investments made pursuant to the Home Ownership
- 10) Income earned on investments made pursuant to the Home Ownership Made Easy Program (310 ILCS 55/5.1].
- 11) Bonds issued pursuant to Sections 7.80 7.87 of the Illinois Development Finance Authority Act [20 ILCS 3505/7-86].
 12) Up to \$2,000 of income derived by individuals from investments

in accordance with College Savings Programs established

made

- under former Section 30-15.8a [105 ILCS 5/30-15.8a].

 13) Bonds issued by the Quad Cities Interstate Metropolitan Authority under the Quad Cities Interstate Metropolitan Authority Act [45 ILCS 35/110].
- 14) Bonds issued by the Southwestern Illinois Development Authority pursuant to the Southwestern Illinois Development Authority Act [70 ILCS 520/7.5].
- g) Other income exempt from Illinois income taxation by reason of Illinois statute:
- 1) Income earned by certain trust accounts established under the Illinois Pre-Need Cemetery Sales Act [815 ILCS 390/16]. Section 16(f) of the Illinois Pre-Need Cemetery Sales Act provides that: because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed, for purposes of determining the Illinois Income Tax due on these trust funds, the principal and any accrued earnings or losses relating to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid.
- 2) Income in the form of education loan repayments made for primary care physicians who agree to practice in designated shortage areas for a specified period of time under the terms of the Family Practice Residency Act [110 ILCS 935/4.10].
- 3) Income earned by nuclear decommissioning trusts established pursuant to Section 8-508.1 of the Public Utilities Act [220 ILCS 5/8-508.1]. The terms "Decommissioning trust" or "trust" means a fiduciary account in a bank or other financial institution established to hold the decommissioning funds provided pursuant to Section 8-508.1(b)(2) of the Public Utilities Act for the eventual purpose of paying decommissioning costs, which shall be separate from all other accounts and assets of the public utility establishing the trust. [220 ILCS 5/8-508.1(a)(3)]
- 4) Income from the Illinois prepaid tuition program, other than disbursements to beneficiaries which are not used in accordance with the applicable prepaid tuition contract under the Illinois

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taxation by the State of Illinois and any of its subdivisions, so long as they are used for educational purposes in accordance with this provision, any undistributed earnings of the Illinois contract does not qualify under Section 529 may be subtracted in subtracted to the extent used in accordance with the Illinois regardless of whether the prepaid tuition contract qualifies program was created in 1997 for the express purpose of allowing savings for higher education to earn tax-exempt returns under Section 529 of the Internal Revenue Code. If a prepaid tuition contract qualifies under Section 529, earnings on contributions contract are exempt from federal income taxation (and therefore intent in creating the Illinois prepaid tuition program does not guarantee that every prepaid tuition contract will qualify under Section 529 and there is no quarantee that Section 529 will continue in effect. However, Section 55 of the Illinois Prepaid Tuition Act [110 ILCS 979/55] provides that assets of the Illinois Prepaid Tuition Trust Fund and its income and operation shall be exempt from all taxation by the State and that Prepaid Tuition Trust which are included in a taxpayer's federal taxable income or adjusted gross income because a prepaid tuition and all disbursements prepaid tuition contract under which the disbursements are made, Prepaid Tuition Act [110 ILCS 979]. The Illinois prepaid tuition disbursements to a beneficiary shall be similarly exempt from all income may the Illinois Prepaid Tuition Trust Fund under the provisions of an Illinois prepaid tuition contract. in a beneficiary's adjusted gross Illinois income taxation) until distributed. income, computing the taxpayer's base under Section 529. included

Income not exempt from Illinois income taxation. The following types of income are not exempt from Illinois income taxation: h G

Income from securities commonly known as GNMA "Pass-Through issued by approved issuers under 12 USCA W-5-8-A- 1721(g) and guaranteed by GNMA under 12 USCA W-S-C-A- 1721(g) (Rockford Life Mortgage Association including mortgage-backed bonds issued under debentures, notes, and bonds issued by the Federal National Securities" and also known as GNMA "Mortgage-Backed Securities' Insurance Co. v. Department of Revenue, 112 Ill.2d 174, 492 2d 1278 (1986), reh. den. June 2, 1986) and income authority of 12 USCA 8:5:6:8: 1719(d) and guaranteed by under 12 USCA W+S+C+A+ 1721(g). 1

Accumulated interest on Internal Revenue Service tax refunds. Illinois Department of Revenue Letter Ruling No. 86-0640, dated July 11, 1986, citing Glidden Co. v. Glander, 151 Ohio St. 344, 86 N.E. 2d 1, 9 A.L.R. 2d 515 (1949). 2)

Income from U.S. securities acquired by a taxpayer under a repurchase agreement ("repo") with a bank or similar financial organization. The Department takes the position that, for income 3)

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ç repurchase by the bank serve as collateral for the loan. The bank remains legally entitled to receive the interest payments from the issuing authority and remains the actual owner of the "exempt" income paid by the issuing authority accrues to the bank the taxpayer "loans" money to the bank and securities. Therefore, any tax benefit attributable to the tax purposes, such agreements are generally to be treated as subject The securities receives interest in return. and not to the investor. That is,

Method for computing the subtraction of exempt income. The Department emphasizes that before a taxpayer may subtract an item of exempt income, the taxpayer must be sure that he or she has included the item in Illinois income. Some tax-exempt items are "automatically" included in base income because they are included in federal adjusted Other exempt items must be included as an addition on the Illinois tax return in figuring base In other words, the taxpayer must list certain tax-exempt Interest on the state and local government bonds described in gross income, which is a part of base income. Interest on U.S. items as additions and then as subtractions in figuring base income. subsection (f) above is in this category. Treasury notes is in this category. income.

SON - effective Reg. 111. (Source: Amended at

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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- State the oŧ Operation and The Administration Employees' Retirement System of Illinois Heading of the Part: 7
- Code Citation: 80 Ill. Adm. Code 1540 2)
- Adopted Action: Amendment Section Numbers: 1540.320 3)
- 40 ILCS 5/14-135.03 Statutory Authority: 4)
- Affective Date of Amendments: March 9, 1999 2)
- Does this rulemaking contain an automatic repeal date? (9
- Do the Amendments contain incorporations by reference? 2
- A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. 8
- Notice of Proposal Published in Illinois Register: 11/06/98 22 Ill Reg 19525 6
- Has JCAR issued a Statement of Objections to these Amendments? 10)
- Differences between proposal and final version: None 11)
- made Have all the changes agreed upon by the agency and JCAR been indicated in the agreement letter issued by JCAR? Yes 12)
- the Amendments replace an emergency amendment currently in effect? Will Will 13)
- Are there any amendments pending on the Part? No 14)
- from the 1986 Projected Experience Table for males to the 1983 Group Annuity Mortality Table for males with a one-year setback. Female mortality was changed from the 1986 Projected Experience Table for females to the 1983 Group Annuity Mortality Table for females. Summary and Purpose of Amendments: New actuarial assumptions were adopted Retirement System. The interest rate was changed from 8.00% to 8.50% per annum, compounded annually. The assumption for male mortality was changed for the June 30, 1997 actuarial valuation of the State Employees' 15)

TABLE A, Optional Forms of Benefits - Basis of Computation are being Section 1540.320, Optional Forms of Benefits - Basis of Computation and amended to reflect these new actuarial assumptions.

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Information and questions regarding this adopted amendment shall be 16)

State Employees' Retirement System of Illinois Michael L. Mory, Executive Secretary

Springfield, Illinois 62794-9255

2101 South Veterans Parkway

Fax: 217-557-3643 217-785-7444

The full text of the Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES RETIREMENT SYSTEMS SUBTITLE D:

PART 1540

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS THE ADMINISTRATION AND OPERATION OF THE

of Employment - A Condition to the Payment of a Refund or Credit for Service for Which Contributions are Permitted Removal of Children from Care of Surviving Spouse Appointment of Retirement System Coordinator Member's Contribution and Service Credit Determination of Rate of Compensation Pension Credit for Unused Sick Leave Investigations of Benefit Recipients Interest on Member Contributions Birth Date Verification Marriage Verification Prior Service Credit Proof of Dependency Level Income Option Retirement Annuity Disability Claims Benefit Offset Death Benefits Severance 1540,130 1540,140 1540,150 1540,160 1540,170 1540.100 1540.110 1540,120 1540.180 1540.50 1540.10 1540.20 1540.30 1540,40 1540.60 1540.70 1540.80 1540.90

Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments

Latest Date of Membership Lump Sum Salary Payments Removal From the Payroll 1540.210 1540.190 1540.200

Period for Payment and Amount of Payment of Contributions 1540,220

Payments to Establish Credit for Service for Which Contributions are Contributions By the State (Repealed) Actuarially Funded Basis (Repealed) 1540.240 1540.230 1540.250

Pick-up Option for Optional Service Contributions Permitted 1540.255

Contributions and Service Credit During Nonwork Periods 1540.260

Availability for Public Inspection (Recodified) Written Appeals and Hearings 1540.280 1540.270

Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and

Organization of the State Employees' Retirement System (Recodified) Amendments 1540.310

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Optional Forms of Benefits - Basis of Computation 1540.330

Board Elections

Optional Forms of Benefits - Basis of Computation Excess Benefit Arrangement 1540.340 TABLE A AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

July effective February 28, 1978; emergency rule at 4 III. Reg. 2, page 246, effective January 1, 1980; amended at 4 III. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 III. Reg. 46, page 1300, effective November 1, 1980; amended at 5 III. Reg. 3454, effective March 19, 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 93, 11, Reg. 15363, effective August 10, 1998; amended at 23, 111, Reg. effective Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 111. Adm. Code 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, 10498, effective June 19, 1990; amended at 15 111. Reg. 7379, effective April at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill.

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Section 1540.320 Optional Forms of Benefits - Basis of Computation

interest--used-shall-be-8%-per-annum-and-the-mortality-rate-shall-be-57-340%-of the rate in Table A, column A plus 42.6608 of the rate in Table A, column B for of the rate in Table A, column A plus 48% of the rate in Table A, column B computing-optional-forms--of--benefit--provided--in--the--Retirement--Act;--the members-and-42.6668-of-the-rate-in-Table-A,-column-A-plus-57.3468-of--the--rate For purposes of computing optional forms of benefit provided in the Retirement Table A, column B for surviving beneficiaries of members. For-purposes-of shall be 8.50% per annum and the mortality rate shall for members and 48% of the rate in Table A, column A plus 52% of the rate in-Table-Ay-column-B-for-surviving-beneficiaries-of-membersinterest used

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 3524 = effective

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Section 1540.TABLE A Optional Forms of Benefits - Basis of Computation

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS NOTICE OF ADOPTED AMENDMENTS	AGE A B	91 0.126307 0.123076 0.135630 0.135630 0.135630 0.136313 0.126313 0.136327 0.136327 0.136323
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS NOTICE OF ADOPTED AMENDMENTS	AGE A B	45 0.001932 0.001010 46 0.002183 0.001117 48 0.002471 0.001102 50 0.00313 0.001505 50 0.00313 0.001505 51 0.003213 0.001505 52 0.003223 0.001733 53 0.004324 0.002315 54 0.005200 0.002315 55 0.004323 0.002315 50 0.002315 0.002315 51 0.002402 0.002315 52 0.002403 0.002315 60 0.002312 0.002312 52 0.002312 0.002312 62 0.002312 0.002312 63 0.0102324 0.003212 64 0.012324 0.003212 65 0.012324 0.003212 66 0.012324 0.003212 67 0.012324 0.012322 68 0.012322 0.012322 69 0.

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

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HEALTH FACILITIES PLANNING BOARD

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NOTICE OF EMERGENCY AMENDMENT

- Heading of the Part: Health Facilities Planning Procedural Rules 7
- Code Citation: 77 Ill. Adm. Code 1130 2)
- Emergency Action: Amendment Section Number:
- Illinois Health Facilities Planning Act [20 ILCS Statutory Authority: 4
- Effective Date of Amendment(s): March 15, 1999 2
- If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: 9
- Date Filed in Agency's Principal Office: March 15, 1999 7
- Committee requested the Planning Board implement through emergency rulemaking a provision that the acquisition, construction or development of outpatient surgical services first receive a permit from the Planning Reason for Emergency: At the JCAR meeting of February 17, 1999, the Joint 8
- A Complete Description of the Subjects and Issues Involved: The definition of "Substantially Changes the Scope or Changes the Functional Operation of the Facility" (77 III. Adm Code 1130.140) states that if a Recent information indicates some healthcare facilities in Illinois are offering outpatient surgical services off the licensed premises of the healthcare facility, Further, the scope and nature of licensing by the Ambulatory Surgical Treatment Center Act [210 ILCS 5]. Since they are not subject to licensing, these new facilities are not being reviewed for need or appropriateness by the Planning Board. As a result, excess surgical capacity is being created in Illinois which may be detrimental to the consumer both financially and in regards to quality of healthcare facility engages in transactions which change the services offered that it has, in essence, changed the functional aspects of the healthcare facility and a review of that proposal is necessary to fulfill the requirements of the Illinois Health Facilities Planning Act [20 ILCS these outpatient surgical services are such that they are not subject Complete Description of the Subjects and Issues Involved: 6
- Are there any proposed amendments to this Part pending? No 10)
- Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate. 11)
- Information and questions regarding this rule shall be directed to: 12)

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HEALTH FACILITIES PLANNING BOARD

NOTICE OF EMERGENCY AMENDMENT

Illinois Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761
217-782-3516
Fax: 217-785-4308
TTY (for hearing impaired only): 800-547-0466
E-Mail: djonesl@idph.state.il.us

The full text of the Emergency Amendment begins on the next page:

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HEALTH FACILITIES PLANNING BOARD

NOTICE OF EMERGENCY AMENDMENT

SUBCHAPTER b: OTHER BOARD RULES TITLE 77: PUBLIC HEALTH CHAPTER II: HEALTH FACILITIES PLANNING BOARD

PART 1130
HEALTH FACILITIES PLANNING PROCEDURAL RULES

SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Statutory Authority/Applicability Public Hearings Incorporated Materials Definitions Purpose Section 1130.110 1130.120 1130,130 EMERGENCY 1130.150 SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT

Necessary Parties to the Application for Permit or Exemption Persons Subject to the Act Section 1130.210 1130.220

SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW Transactions Which Are Exempt from Review Section 1130.410

Transactions Subject to Review

Section 1130.310

SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

	Requirements for Exemptions Involving the Acquisition of Major		Requirements for Exemptions Involving the Change in Ownership of a		Maintenance				for		Requirements for Exemptions for Outpatient Diagnostic and Treatment
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	Seq	Medical Equipment	Seg	Health Care Facility	Requirements for Exemptions Involving	Organizations (Repealed)	Requirements for Exemptions Involving Discontinuation	Requirements for Exemptions for Combined Facility Licensure	Requirements for Exemptions for Temporary Use of Beds	Demonstration Programs	šeg
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HEALTH FACILITIES PLANNING BOARD

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1130.560	State Board Action				
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THE REVIEW AND PROCESSING OF APPLICATIONS FOR PERMIT SUBPART F: PROCEDURAL REQUIREMENTS FOR

Duration of the Review Period and Time Frames	Consultation, Classification and Completeness Review	Agency Actions During the Review Period	Extension of the Review Period Prior to Initial State
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1130.610	1130,620	1130.630	1130.640

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	Extension of the Review Period Prior to Initial State Board Action	
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Agency Actions During the Review Period	Extens	Modification of an Application
1130,630	1130.640	1130.650
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Modification of an Application	Approval of an Application	Notice of Intent-to-Deny an Application	Denial of an Application
1130.650	1130.660	1130.670	1130,680

PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION SUBPART G:

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	E Permits	Authorization to Obligate and Obligation	Extension of the Obligation Period	a Permit	Alteration of a Project for which a Permit Has Been Issued	Semi-Annual Progress Reports	npletion, F	Revocation of a Permit	Fines and	Facilities Planning Act for Non-compliance with the Act and the
	Validity of Permits	Authorizat	Extension	Renewal of a Permit	Alteration	Semi-Annua	Project Completion, Final Realized Costs and Cost Overruns	Revocation	Penalties, Fines and Sanctions Mandated in the Illinois Health	Facilities
Section	1130.710	1130.720	1130.730	1130.740	1130.750	1130.760	1130.770	1130.780	1130.790	

DECLARATORY RULINGS H SUBPART

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State Board's Rules

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th Facilities Planning Act [20 ILCS 3960].

amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448,

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1993; amended at 19 Ill. Reg. 2972, effective March 1, 1995; expedited correction at 21 Ill. Reg. 3753, effective March 1, 1995; recodified at 20 Ill. 1997, for a maximum of 150 days; emergency expired January 30, 1998; amended at 23 III. Req. 2911, effective March 15, 1999; emergency amendment at 23 III. Reg. BO T T effective March 15, 1999, for a maximum of 150 days. Reg. 2597; emergency amendment at 21 Ill. Reg. 12671, effective September 2, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March

SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section 1130,140 Definitions

77 the Definitions pertaining to program components can be found in the Act and in Definitions which will assist in understanding of this Part are presented below. Code 1100 and 1110.

The site of the proposed project or the person(s) who is (are) the the application that occurs after State Board issuance of the permit. "Alteration" means any revision or change to a project as detailed permit holder cannot be altered. "Applicant" means a person(s) as defined in the Illinois Health Facilities Planning Act [20 ILCS 3960/3] who applies for a permit or to acquire major medical equipment. See 77 Ill. Adm. Code 1130.220 to determine exemption to construct or modify a health care facility or what parties are necessary for an application.

State Board or Illinois Department of Public Health (IDPH) to proceed been found to be in conformance with the provisions of Section Authorization to Obligate" means a permit holder is authorized by the with the project approved by the State Board, and that the project has All projects, except no cost projects for discontinuation, are required to obtain an authorization to obligate.

a health care facility which if acquired directly by such fecility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part and which exceeds the capital specifications, and other activities of any plant or equipment with respect to which an expenditure is made be included in determining if such expenditure exceeds the health care facility (as such a facility is defined in the Act), "Capital Expenditure" means an expenditure made by or on behalf of capital expenditure minimum. Donations of equipment or facilities surveys, essential to the acquisition, improvement, expansion, any studies, The cost of drawings, expenditure minimum. working

HEALTH FACILITIES PLANNING BOARD

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would be subject to review under the Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review. [20 ILCS 3960/3]

"Capital Expenditure Minimum" means the dollar amount or value which would require a permit for capital projects and major medical equipment. Capital expenditure minimums are annually adjusted to reflect the increase in construction costs due to inflation per Section 1130.310.

"Certified" or "Certification" means approval for a facility to receive reimbursement under Title XVIII and/or XIX of the Social Security Act (42 $\overline{\text{USCA}}$ θ -5- θ -A 1395x).

"Change of Ownership" means a change in the person who has operational control of an existing health care facility or a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change of ownership is indicated by, but not limited to, the following transactions: sale, transfer, acquisition, leases, change of sponsorship or other means of transfering control. Examples of change of ownership include:

a transfer of stock or assets resulting in a person obtaining majority interest (i.e., over 50%) in the person who is licensed or certified (if the facility is not subject to licensure), or in the person who owns or controls the health care facility's physical plant and capital assets; or

the issuance of a license by IDPH to a person different from the current licensee; or

for facilities not subject to licensing, the issuance of a provider number to a different person by certification agencies that administer Titles XVIII and XIX of the Social Security Act;

a change in the membership or sponsorship of a not-for-profit corporation or a change of 50% or more of the voting members of a not-for-profit corporation's board of directors, during any consecutive 12 month period, that controls a health care facility's operations, license, certification (when the facility is not subject to licensing) or physical plant and capital assets; or

a change in the sponsorship or control of the person who is licensed or certified (when the facility is not subject to

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licensing) to operate, or who owns the physical plant and capital assets of a governmental health care facility; or

any other transaction that results in a person obtaining control of a health care facility's operations or physical plant and capital assets including leases.

"Completion" or "Project Completion" means that the project has been brought to a conclusion, and that the State Board has determined that the finished project is or is not in accordance with what the State Board authorized, and that a project completion date has been established by the State Board (see Section 1130.770 for further information on Project Completion).

For projects that have documented compliance with the provisions of the permit as authorized by the State Board, the date of project completion is: for projects with no cost that are limited to total discontinuation of a facility or of a category of service, the date the last patient is discharged or the date the permit for discontinuation is issued whichever comes later; or

for projects with no cost that are limited to a substantial change in beds in licensed long-term care facilities, the date the Agency issues a revised license; or

for projects with no cost that are limited to a substantial change in beds in licensed hospitals or in state-operated facilities, the date the Agency receives a revised physical plant survey or the date of permit issuance which ever is later; or

for projects limited to the establishment of a category of service, the date the first patient is treated or the date the Agency receives a report of final realized cost, whichever is later; or

for projects limited to the establishment of a health care facility, the date the health care facility is licensed or the date the Agency receives a report of final realized cost, whichever is later; or

for projects limited to the acquisition of major medical equipment, the date IDPH receives a report of final realized costs or the date the equipment is utilized to treat the first patient, whichever is later; or

for projects limited to the addition of end-stage renal dialysis

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stations and for projects, with a cost, that are limited to the addition of beds, the date the first patient is treated or the date IDPH receives a report of final realized cost, whichever is later; or

existing Agency receives a report of final including modernization of for all other projects facilities, the date the realized costs; or

with the provisions of the permit as authorized by the State for projects that the State Board has found not in compliance Board, including projects with cost overruns, the date of project completion is the date established by the State Board.

facilities subject to licensure or the loss of certification for "Consolidation" means the combination of two or more existing health care facilities into a new health care facility terminating the existence of the existing or original facilities (A + B = C). Consolidation results in the establishment of a health care facility within the meaning of the Act and in the discontinuation of the In example, consolidation becomes reviewable only when a new facility with a new license will be established due to the consolidation. In this case the A and B facilities which consolidate are reviewed for discontinuation and the discontinuation and establishment which creates the need for review. οĘ new licensed facility C is reviewed for establishment. existing facilities, resulting in termination facilities not subject to licensure.

"Control" means a person possesses any of the following discretionary and non-ministerial rights or powers:

controlling portion of the governing body of another person; or the right or power to approve and to remove without cause

the right or power to require or approve the use of funds or assets of another person for any purpose; or the right or power to approve, amend, or modify the health care facility's by-laws or other rules of governance.

A person may control one or more other person(s). For the purpose of this definition, "governing body" means: with respect to a corporation having stock, such corporation's directors and the owners, directly or indirectly, of the Securities Act of 1933) of any class or classes, the holders of which are ordinarily, in the absence of contingencies, more than 50% of the securities (as defined in Section 2(1) of

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entitled to elect a majority of the corporation's directors (both of which groups shall be considered a governing body);

if the members have complete corporation's directors if the corporation's members do not have with respect to a not for profit corporation not having stock, discretion to elect the corporation's directors, members corporation's such discretion; and

with respect to any other entity, its governing board or body.

and members shall be deemed to include all persons or entities performing For the purposes of this definition, all references to directors the function of directors or members, however denominated.

entities controlled, or owned directly or indirectly, by any person or entity controlled by any nontrolled. A controlling person or entity indirectly controls all persons

extension, discontinuation, change of ownership of or by a health care or the purchase or acquisition by or through a health care facility of equipment for diagnostic or therapeutic purposes or for facility administration or operation or any capital expenditure made by or on behalf of a health care facility which exceeds the capital "Modification" means the establishment, erection, building, alteration, reconstruction, modernization, expenditure minimum. [20 ILCS 3960/3] "Construction" or

Discontinuation" means to cease operation of an entire health care Discontinuation includes determination by the State Board that: facility or category of service.

a category of service has not been utilized for its intended purpose for a period of twelve months or more; or

service, by the end of the second year of operation after project standards/target occupancy rates for that category of completion and on average for any two-year period thereafter Section 13 of the Act), and that need no longer exists in the excess service capacity in the planning area, and the facility's a category of service approved after January 1, 1992 is not not limited to, access to other services in the planning area, (based upon data reported by the facility to IDPH pursuant planning area based upon the existence of such factors as, ability to adequately staff the existing service; or specified in 77 Ill. Adm. Code 1100, at utilization operating

an existing category of service is not operating at utilization

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standards/target occupancy rates specified in 77 III. Adm. Code 1100, for that category of service, on average for any two-year period commencing on January 1, 1995 and thereafter (based upon data reported by the facility to IDPH pursuant to Section 13 of the Act), and that need no longer exists in the planning area assed upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service.

"Due Diligence" means to take such actions toward the completion of a project for which a permit has been granted with that diligence and foresight which persons of ordinary prudence and care commonly exercise under like circumstances. An accidental or unavoidable cause which cannot be avoided by the exercise of due diligence in the meaning of this rule is a cause which reasonable prudent and careful persons, under like circumstances, do not and would not ordinarily anticipate, and whose effects under similar circumstances they do not and would not ordinarily avoid.

"Establish" or "Establishment" means the construction of a new health care facility, the licensing of unlicensed building(s) or structure(s) as a health care facility, the replacement of an existing health care facility on another site, or the development, licensing, or certification (if licensing is not applicable) of a category of service.

"Existing Health Care Facility" means any health care facility or any person or organization that owns or operates a health care facility subject to the Act that:

has a license issued by IDPH and has provided services within the past 12 months, unless the failure to provide such service is the result of pending license revocation procedures, and has not surrendered or abandoned its license or had its license revoked or voided or otherwise deemed invalid by IDPH; or

is certified under Titles XVIII or XIX of the Social Security

is a facility operated by the State of Illinois.

AGENCY NOTE: Projects for which permits have been granted but which are not complete as defined in this Section shall not be considered existing facilities, but the approved number of beds or services shall be recorded in the Inventory of Health Care Facilities maintained by IDPH and shall be counted against any applicable need estimate.

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"Fair Market Value" means the dollar value of a project or any component of a project that is accomplished by lease, donation, gifts or any other means that would have been required for purchase, construction, or acquisition.

"Final Decision" or "Final Administrative Decision" or "Final Determination" means:

the decision by the State Board to approve or deny an application for permit. Action taken by the State Board to deny an application for permit is subsequent to an administrative hearing or to the waiver of such hearing; or

the decision by the State Board on all matters other than the issuance of a permit; or

the The decision is final at the close of business of the State Board meeting at which the action is taken.

"Final Realized Costs" means all costs that are normally capitalized under generally accepted accounting principles that have been incurred to complete a project for which a permit was granted. These costs include all expenditures and the dollar or fair market value of any component of the project whether acquired through lease, donation or aif

"Major Construction Project" means:

Projects for the construction of new buildings;

Additions to existing facilities; and

Modernization projects whose cost is in excess of \$1,000,000 or ten percent of the facility's operating revenue, whichever is less. [20 ILCS 3960/5]

"Major Medical Equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act (42 USCA 4-5-6-A-1395x) to meet the requirements of paragraphs (10) and (11) of Section 1861(S) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the

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NOTICE OF EMERGENCY AMENDMENT

acquisition of such equipment shall be included. [20 ILCS 3906/3]

"Merger" means the absorption of one or more existing health care facility into another existing health care facility. The result of the absorption is that only one facility survives (A + B = B). Merger results in the modification (e.g., expansion of beds or services) of the survivor facility and the discontinuation of the facility being absorbed.

"Modification of an Application" or "Modification" means any change to a proposed project during the review period (i.e., prior to final State Board action) which results in changing the proposed project's physical size or gross square feet, the site within a planning area, the operating entity is not the applicant, the number of proposed beds, the categories of service to be provided, the cost, the method of financing, the configuration of space within the building, or any change in the person who is the applicant, including the addition or deletion of one or more persons as co-applicants.

AGENCY NOTE: A change of site to a site outside the planning area originally identified in the application is not considered a modification and invalidates the application.

"Notification of State Board Action" means the transmittal of State Board decisions to the applicant or permit holder. Notification shall be given to the applicant's or permit holder's designated contact person, legal representative or chief executive officer.

"Obligation" means receipt by the Executive Secretary, subsequent to the issuance of an authorization to obligate, of a notarized certification by an officer of the permit holder that attests to one of the following:

that the project has no cost and has been completed; or

that the permit holder has executed those binding enforceable contracts or lease agreements (previously reviewed by IDPH) in an amount that exceeds the capital expenditure or major medical equipment review threshold (as applicable) or that is equal to or greater than 33 percent of the permit amount, whichever is less; affirmed that the financial resources to fund the project are available or committed; and affirmed that the project's cost, scope, design, square footage, number of beds or stations, etc. (sa applicable) are in accord with what the State Board has approved. Financial commitment from a financial resources can be shown by a statement from a financial institution or other lender indicating that funding will be

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provided; or

that the project is to be done internally by the permit holder and has been authorized by the governing body through the release of funds to expend 33 percent or more of the permit amount or an ensuit exceeding the capital expenditure minimum, whichever is less; that the financial resources to fund the project; scost, scope, design, square footage, number of beds or stations, etc. (as applicable) are in accord with what the State Board has approved. Financial commitment or availability of financial institution or other lender indicating that from a will be provided.

AGENCY NOTE: Prior to signing principal contracts or otherwise obligating the project, all permit holders, except those with permits for no cost discontinuation projects, are required to obtain an authorization to obligate pursuant to Section 1130.720. Projects that are contingent upon permit issuance (meaning authorization to obligate and obligation are approved at the time of permit issuance) are not required to receive an authorization to obligate or obligate the State Board to commence a project.

"Operational" means that a permit holder is providing the service(s) approved by the State Board and, for a new health care facility or a new category of service, licensure or certification has been obtained and residents/patients are utilizing the facility or equipment or receiving service.

"Project Commitment Date" means the date the permit holder executes binding enforceable contracts to expend an amount which exceeds the capital expenditure minimum or at least 33 percent of the permit amount, whichever is less. For projects not undertaken by contract, the project commitment date is the date the permit holder's governing body authorizes or releases funds to expend an amount which exceeds the capital expenditure minimum or at least 33 percent or more of the permit amount, whichever is less. If a project has no cost the project commitment date is the date of project completion.

"Proposal" or "Project" means any proposed construction or modification of a health care facility or any proposed acquisition of equipment to be undertaken by an applicant.

"Related Person" means any person that:

is at least 50 percent owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50 percent of the health care facility; or

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owns, directly or indirectly, at least 50 percent of the health care facility; or

is otherwise controlled or managed by one or more health care facilities or a person that controls or manages the health care facility; or

otherwise controls or manages the health care facility; or

is otherwise, directly or indirectly, under common management or control with one or more health care facilities.

"Review Period" means the time from the date an application for permit is deemed complete until the State Board renders its final decision.

"Site" means the physical location of a proposed project and is identified by address or legal property description.

annually to verify bed inventory. If there is found, through this verification process, an increase in the calculated bed capacity of which changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility capacity as defined by the State Board, whichever is less, over a two when additional beds added to the facility inventory become operational. When a permit is granted which will result in a change in bed capacity, the applicant facility may not add any more beds in those services affected by the permit for two years from the date that services not affected by the permit. Each facility will be contacted begins. The date shall be published in the next available compilation "Substantially Changes the Bed Count of a Health Care Facility" means modification, including acquisition of equipment, or site to another by more than 10 beds or more than 10% of total bed year period. (Section 5 of the Act) The two year period begins on the such beds become operational without obtaining an additional permit Board. The facility may add beds (as long as the number added does not exceed 10 beds or 10% of the total facility is less, over the two year period) in the other the facility, IDPH shall determine the date the two year period of the Inventory of Health Care Facility and Need Determinations capacity, whichever State construction or Planning Area. from the

AGENCY NOTE: The discontinuation (reduction) of beds requires notice to IDPH. The effective date of the bed reduction can be no earlier than the date of IDPH's receipt of the bed reduction notice. It should also be noted that all proposed capital expenditures (including those which do not substantially change the bed capacity) in excess of the capital expenditure minimum require a permit, regardless of the

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purpose or nature of the project or transaction. However, proposals for less than the capital expenditure minimum, including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's bed capacity.

"Substantially Changes the Scope or Changes the Functional Operation of the Facility" means:

defined in Part 1100.220;

discontinuation as defined in Section 1130.140;

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service

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the addition or discontinuation

a change of a material representation made by the applicant in the "Application for Permit" subsequent to receipt of a permit which is relied upon by the State Board in making its decision. Material representations are those which provide a factual basis for issuance of a permit and include:

withdrawal or non-participation in the Medicare and/or Medicaid programs;

charge information;

requirements of variances pursuant to 77 Ill. Adm. Code 1110;

other representations made to the State Board as stipulated in the permit letter;

the addition of a surgical specialty not previously approved by the State Board for an ambulatory surgical treatment center (ASTC) that has not been classified as a multi-specialty ASTC by the State Board in accordance with the provisions of 77 Ill. Adm. Code 1110.1540;

an increase of more than three dialysis stations or more than 10% of the facility's total number of dialysis stations, whichever is less, over a two-year period. The two-year period begins on the date the facility's additional stations are certified. When a permit is granted for additional stations or for the establishment of an additional facility/service, the facility may not add any more dialysis stations for two years from the date that such stations approved in the permit are certified without obtaining an additional permit.

AGENCY NOTE: Section 1130.310 details the review requirements

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(or grandfathering) for kidney dialysis treatment center projects that were undertaken prior to March 1, 1995.

that are routinely treatment center, or in any room or area that is designed, physician's private practice in examination or non-surgical services on a site or location that is not within the licensed the acquisition, construction, or leasing of space, buildings, or structures for the purpose of providing outpatient surgical Outpatient surgical ambulatory surgical surgical suite or special procedures room. Outpatient surgical equipped, and used for surgery, such as, but not limited to, services do not include those procedures performed as part of procedures performed in such settings as a hospital or premises of the health care facility. surgical those treatment rooms. are

AGENCY NOTE: All proposed capital expenditures (including those which do not substantially change the scope) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals from the capital expenditure minimum or less including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's scope or functional operation.

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- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) <u>Section Numbers:</u> <u>Peremptory Action:</u> 125.10 Amended 125.260 Amended 125.270 Amended 125.380 Amended 125.390 Amended Amended 125.390 Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: the Federal Meat Inspection Act (21 USCA. 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 64 FR 732.
- Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650].
- 6) Effective Date: March 11, 1999
- 7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat and poultry products inspection programs as required by the federal Meat Inspection Act and the Federal Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

inspection regulations by "converting into performance standards the regulations governing the production of cooked beef, roast beef, and cooked corned beef products, fully and partially certain fully and partially cooked poultry implement processing procedures customized to the nature and volume of their production." "Establishments that have not yet developed and implemented a HACCP (Hazard Analysis and Critical Control Point) plan are schedule that has been approved by a process authority for safety and efficacy." The Food Safety and Inspection Service (FSIS) is amending the Federal meat "Unlike the previous requirements for these products, which mandated step-by-step processing measures, the new performance standards level of food safety performance that (Federal Register, 64 FR 732) Complete information concerning these amendments can be found on page 732 of the January 6, 1999 Federal establishments must meet, but allow establishments to develop required to develop and maintain on file a documented process objective cooked meat patties, and products the poultry out products." Register.

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The specific federal regulations being amended effective March 8, 1999 are 9 CFR 301.2, 317.2(1), 318.17, 318.23, 320.1, 381.1, 381.125, and 381.150. The amendments appear at 64 FR 732.

- Does this rulemaking contain an automatic repeal date? No
- Date Filed with the Index Department: March 11, 1999 6
- A copy of the adopted amendment is on file in the agency's principal office and is available for public inspection. 10)
- Illinois the of 5-50 Section with compliance Administrative Procedure Act. in. rule This 11)
- 8 Are there any proposed amendments pending to this Part? 12)
- Statement of Statewide Policy Objectives: This rulemaking does not affect units of local governments. 13)
- Information and questions regarding this adopted rule, amendment, repealer shall be directed to: 14)

Illinois Department of Agriculture State Fairgrounds, P.O. Box 19281 Springfield, Illinois 62794-9281 Debbie Wakefield

Telephone: 217/785-5713 Facsimile: 217/785-4505 The full text of the Peremptory amendment begins on the next page:

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SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT DEPARTMENT OF AGRICULTURE AGRICULTURE AND ANIMALS TITLE 8: CHAPTER I:

PART 125

MEAT AND POULTRY INSPECTION ACT

GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION SUBPART A:

Section

Hazard Analysis and Critical Control Point (HACCP) Systems Official Marks of Inspection, Devices and Certificates Inspections; Suspension or Revocation of License Sanitation Standard Operating Procedures (SOP's) Assignment and Authority of Program Employees Administrative Hearings; Appeals (Repealed) Incorporation by Reference of Federal Rules Reportable Animal and Poultry Diseases Disposal of Dead Animals and Poultry Application for License; Approval Detention; Seizure; Condemnation Schedule of Operations; Overtime Records and Reports Imported Products Official Number Definitions Exemptions 125.100 125.143 125.120 125.130 125.140 125.141 125.142 125.30 125.40 125.10 125.20 125,50 125.60 125.70 125.80 125.90

MEAT INSPECTION SUBPART B:

Section

at Rendering or Other Disposal of Carcasses and Parts Passed for Cooking Entry into Official Establishment; Reinspection and Preparation of Products Disposal of Diseased or Otherwise Adulterated Carcasses and Parts Livestock and Meat Products Entering Official Establishments Other Inedible or Marking Products and Their Containers Handling and Disposal of Condemned Labeling, Marking and Containers Humane Slaughter of Animals Equine and Equine Products Facilities for Inspection Post-Mortem Inspection Ante-Mortem Inspection Official Establishment Sanitation 125.150 125.160 125.170 125.180 125.190 125.200 125.210 125.220 125.230 125.240 125.250 125.260 125.270

Meat Definitions and Standards of Identity or Composition

125.280

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her Products

SUBPART C: POULTRY INSPECTION

Application of Inspection Facilities for Inspection Ante-Mortem Inspection Operating Procedures Sanitation 125.310 125,320 25,330 125,340 125.350 125,360

Section

Handling and Disposal of Condemned or Inedible Products at Official Post-Mortem Inspection; Disposition of Carcasses and Parts Establishments 125,370

Labeling and Containers 125.380

Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements 125.390

Definitions and Standards of Identity or Composition Transportation; Sale of Poultry or Poultry Products 125.410 AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20

amendment at 10 111. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 111. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 111. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 111. Reg. 1696, effective January 5, 1987; peremptory amendment 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; amendment at 10 Ill. Reg. 14858, effective August 22, 1986; amendment at 10 Ill. Reg. 15305, effective September 10, 1986;

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effective June 5, 1987; peremptory amendment at 11 111. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 111. Reg. 18799, effective November amended at 12 111. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 111. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 III. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 III. Reg. 228, effective January 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective 1990; peremptory amendment at 14 ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, 1, 1987; peremptory amendment at 11 111. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, 17165, effective October 21, 1992; peremptory amendment at 17 111. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, Ill. Reg. 14924, effective September 26, amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory 7, 1994; amended at 18 August 20,

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amendment at 19 III. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 III. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 III. Reg. 15766, effective November 10, 1995; peremptory amendment at 20 III. Reg. 5091, effective December 22, 1995; peremptory amendment at 20 III. Reg. 5091, peremptory amendment at 20 III. Reg. 10403, effective September 1, 1996; peremptory amendment at 20 III. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 III. Reg. 1251, effective September 13, 1996; peremptory amendment at 21 III. Reg. 1251, effective January 14, 1997; peremptory amendment at 21 III. Reg. 1271, effective January 14, 1997; peremptory amendment at 21 III. Reg. 6609, effective May 20, 1997; amended at 21 III. Reg. 1997; peremptory amendment at 21 III. Reg. 1997; peremptory amendment at 21 III. Reg. 1866, effective Adust 8, 1997; peremptory amendment at 21 III. Reg. 14575, effective October 22, 1998; peremptory amendment at 21 III. Reg. 570, effective Reg. 570, effective Reg. 570, effective May 15, 1998; peremptory amendment at 22 III. Reg. 570, effective May 15, 1998; peremptory amendment at 21 III. Reg. 570, effective May 15, 1998; peremptory amendment at 22 III. Reg. 570, effective May 15, 1998; peremptory amendment at 22 III. Reg. 570, effective May 15, 1998; peremptory amendment at 22 III. Reg. 570, effective Maxch 11, 1999; peremptory amendment at 23 III. Reg. 450, effective Maxch 11, 1999; peremptory amendment at 23 III. Reg. 450, effective Maxch 11, 1999; peremptory amendment at 23 III. Reg. 450, effective Maxch 11, 1999;

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section 125.10 Definitions

- a) Terms shall be as defined in 9 CFR 301, 303.1(d)(2), (ii), (iii) (a), (b), (d), (e) and (f), (iv), (v) and (vi), 381.1, 381.10(d)(2), (ii), (iii), (iii), (b), (d), (iv), (v) and (vi), and 352.1(b) through (t) (1997, 64 FR 732, effective March 8, 1999) unless they are otherwise defined in the Meat and Poultry Inspection Act [225 ILCS 650] or in this Section as follows:
- "Act" means the Meat and Poultry Inspection Act [225 ILCS 650].

"Approved veterinarian" means any person who has graduated from a veterinary college that is recognized by the American Veterinary Medical Association.

'Birds" shall mean poultry as defined in Section 2.7 of the Act.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product made from rabbits or the processing, handling, or packaging which may affect the wholesomeness of such product.

"Livestock" means cattle, sheep, swine, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic

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reindeer, water buffalo, and goats.

"Members of the household" means those persons who occupy a single family unit.

- b) With regard to the definitions of consumer and similar type establishment, the Director has not designated any other type of establishment or institution under these terms other than those specifically stated in the incorporated language.
- which are incorporated by reference as stated in Section 125.10(a) shall be included in the definition. References within the incorporated language to the section of the federal rules pertaining to operations of types traditionally and usually conducted at retail stores and restaurants refer to the operations defined in Section 5(a) of the Act. No product exempted from inspection in accordance with Section 5 of the Act shall be prepared in any retail store, restaurant or similar retail-type establishment.
 - d) References in the incorporated language to 9 CFR 312 and 313 shall be interpreted as references to Sections 125.90 and 125.220 respectively. References to the Eumane Methods and Slaughter Act of 1978 shall mean as set forth in Section 125.220.

(Source: Amended at 23 Ill. Reg. 38 27 = ; effective March 11, 1999)

Section 125,100 Records and Reports

- a) The Department incorporates by reference 9 CFR 320.1(b), 320.6(a), 320.7, 381.175(b), 381.180(a) and 381.181 (1997; 64 FR 732, effective
 - March 8, 1999).

 b) Access to the establishment, its premises, records and inventories shall be provided to the Department in accordance with Section 14 of the Act and Section 125.70.
- and custom processing transactions, the recordkeeping requirements shall be those set forth in Section 5(B)(2)(f) of the Act. Records 3 of the Act shall keep records as stated in the incorporated language of 9 CFR 320.1(b) and 381.175(b), except that for custom slaughtering in which the transaction to which the record relates has occurred. If a record must be retained for longer than 5 years because of an on-going investigation or litigation, the Department shall notify the licensee in writing as to which record is to be retained, the reasons for such shall consider when determining the retention period the court date, if known, or the time needed to conclude the investigation (e.g., considering the type of disease being investigated, the number of animals involved, and Each person who is required to be licensed in accordance with shall be retained for 5 years after December 31 of the year The Department laboratory testing procedures, if applicable). retention and the retention period. Û

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- d) The licensee of the official establishment shall maintain such records at the establishment. In the case of a broker, the records shall be maintained at the office listed on the application for license.
- e) The Department shall request a licensee to submit an evaluation of the inspection program or of the inspector's performance when the Department is conducting a review of the effectiveness of the Meat and Poultry Inspection Program or when a complaint on the inspector's performance has been received.

(Source: Amended at 23 Ill. Reg. OFFF = , effective March Il, 1999)

SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), 317.6, 317.8, 317.10 through 317.34, 317.30, 317.30, 317.312, 317.313, 317.34, 317.344, 317.345, 317.345, 317.346, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.360, 317.360, 317.361, effective September 24, 1997; 63 FR 45016, effective September 24, 1997; 63 FR 7279, effective Rebruary 13, 1998, 64 FR 732, effective March 8, 1999).
 - b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
 - d) The Department shall approve the property labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
 - e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).
 - The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this part.
- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved

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- by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).

 i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become multilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
 - 1) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 23 III. Reg. (SS L L = 2) effective March II, 1999)

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.23, 318.24, 318.300 through 318.311 (1997; 61 FR 58780, effective January 21, 1997; 62 FR 27940, effective July 21, 1997; 62 FR 33744, effective August 22, 1997; 62 FR 45016, effective September 24, 1997; 62 FR 43631, effective October 14, 1997; 62 FR 61619, effective January 20, 1998; 64 FR 732, effective March 8, 1999).
- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.00, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices,

NOTICE OF PEREMPTORY AMENDMENTS

is brought on the premises of an official establishment preservatives) which are received at the official establishment. by the operator the provisions of this Section shall from such establishment establishment. product that to immediately

establishment shall be performed through the use of a random digit of meat and/or meat products within the official Reinspections table. σ

articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector Docks and receiving rooms for meat and/or meat products or other the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products. j.F q)

The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth "Meat and Poultry Inspection Manual" as adopted in Section in the (e

with the specific provisions as stated in 9 CFR 318.5(i) inspected and passed if it is weasand shall be for passage of such articles. Casings or compliance £)

in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial product in accordance with Section 2.11 of the Act and are in The Department does not approve new substances to be used on meat or flavorings may be used if they do not adulterate the meat and/or compliance with the provisions of this Section. 6

References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110. G

Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in References within the incorporated language to the federal Poultry accordance with the Meat and Poultry Inspection Act and the rules of 1)

The Department does not approve thermometers for use in smokehouses, in the treatment dry rooms and other compartments that are used this Part. Ĵ

Disinfectants shall be those as set forth in Section 125.180.

pork.

Canned products which may be processed without steampressure cooking Adequate vacuum shall be determined through the use of vacuum gauges. 2 A E

period on the representative samples in accordance with the specific The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20. ů.

finished products are in compliance with this Section shall be as set The standards and procedures for determining when ingredients provisions in 9 CFR 318.309. 0

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the ρλ forth in the "Meat and Poultry Inspection Manual" as adopted Department in Section 125.20.

F effective 60 60 60 60 23 Ill. Reg. (Source: Peremptory amendment at March 11, 1999)

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

- 381.129 through 381.132(f), 381.134 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February The Department incorporates by reference 381.115 through 381.127, 13, 1998; 63 FR 11359, effective May 8, 1998; 64 FR 732, effective March 8, 1999). a)
- Each shipping container and each immediate container containing identified in accordance with the labeling provisions of this Section. shall inspected and passed poultry and/or poultry products q
 - or additive shall bear a label naming the Immediate containers of poultry products packed in, bearing additive and the purpose of its use. containing any chemical ô
- in accordance with Section 2.20 of the Act and is in Labels for consumer packages shall be approved if the label is compliance with this Section. misbranded q)
 - the to t label for the shipping container at the option of the licensee. added The specific statements listed in 9 CFR 381.121 may be (e
- The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto Ill. Adm. Code 600). £)
- No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act. 6
 - The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90. P
 - if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield Department the Labeling and sketch labeling shall be approved by office of the Department for approval. 7
- be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official The Department shall approve temporary labeling as stated in 9 CFR establishment with the permanent labels before the expiration of the 381.132(f). Labeling which has received temporary approval shall

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NOTICE OF PEREMPTORY AMENDMENTS

- temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
- The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become multilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
 - r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 23 Ill. Reg. 可多有了三字effective March 11, 1999)

Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

a) The Department incorporates by reference 9 CFR 381.145(b) through 381.148, 381.149, 381.150 through 381.151, 381.200, 381.300 through 381.311 (1997; 62 FR 33744, effective August 22, 1997; 62 FR 45016,

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DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- effective September 24, 1997; 64 FR 732, effective March 8, 1999).
 b) No poultry or poultry product shall be brought into an official
- establishment unless it inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110. However, poultry or poultry products imported into the United States may be transported to an inspection site in accordance with the provisions of 9 CFR 381.200 for reinspection.
- c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.
- d) The official establishment shall maintain an inventory of non- poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.
- e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit
- f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- g) The Department does not approve new substances to be used on poultry or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) Ready-to-heat-and-eat poultry or stuffed leady-to-roast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).
 - i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).
- j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the

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DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.

Disinfectants which may be used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20. 1)

effective (元) (元) (2) (3) (Source: Peremptory amendment at 23 Ill. Reg. March 11, 1999)

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- Animal Diagnostic Laboratory Act Heading of the Part: 7
- Code Citation: 8 Ill. Adm. Code 110 2)
- Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 3181; March 19, 1999 3)
- Date, Time and Location of Public Hearing: 4)

Thursday, April 8, 1999, 10:00 a.m. Illinois Department of Agriculture State Fairgrounds, 8th & Sangamon Agriculture Building Auditorium Springfield, IL 62794-9281

provide a written copy of such testimony at the time the oral testimony Other Pertinent Information: Each person presenting oral testimony shall is presented. 2

Individuals who are unable to attend the public hearing but wish comment on the proposed amendments should submit written comments to: Attention: Debbie Wakefield P.O. Box 19281 Department of Agriculture

217/785-5713; FAX #: 217/785-4505.

Springfield, IL 62794-9281

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public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of In order for mailed comments to be available for consideration at the Livestock Commissioners.

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Animal Welfare Act Heading of the Part:

7

- 8 Ill. Adm. Code 25 Code Citation: 5)
- Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 3185; March 19, 1999 3)
- Date, Time and Location of Public Hearing: 4)

Thursday, April 8, 1999, 10:00 a.m. Illinois Department of Agriculture State Fairgrounds, 8th & Sangamon Agriculture Building Auditorium Springfield, IL 62794-9281

Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony Other Pertinent Information: 2)

is presented.

Individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should submit written comments to:

217/785-5713; FAX #: 217/785-4505. Attention: Debbie Wakefield Springfield, IL 62794-9281 Department of Agriculture P.O. Box 19281

received will be fully considered by the agency and the Advisory Board of The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of In order for mailed comments to be available for consideration at public hearing, please mail no later than April 2, 1999. All Livestock Commissioners. Livestock Commissioners.

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- Bovine Brucellosis Heading of the Part: 1
- Code Citation: 8 Ill. Adm. Code 75 5)
- to Notice of Proposed Rules: 23 Ill. Reg. 3191; March Citation Register 19, 1999 3)
- Date, Time and Location of Public Hearing: 4)

Thursday, April 8, 1999, 10:00 a.m. Illinois Department of Agriculture State Fairgrounds, 8th & Sangamon Agriculture Building Auditorium Springfield, IL 62794-9281 Other Pertinent Information: Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented. 2)

to comment on the proposed amendments should submit written comments to: Individuals who are unable to attend the public hearing but

217/785-5713; FAX #: 217/785-4505. Debbie Wakefield Springfield, IL 62794-9281 Department of Agriculture P.O. Box 19281 Attention:

received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments Livestock Commissioners.

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Definitions
- 2) Code Citation: 8 Ill. Adm. Code 20
- Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 3198; March 19, 1999
- 4) Date, Time and Location of Public Hearing:

Thursday, April 8, 1999, 10:00 a.m. Illinois Department of Agriculture Agriculture Building Auditorium State Fairgrounds, 8th & Sangamon Springfield, IL 62794-9281

 Other Pertinent Information: Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented. Individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should submit written comments to:

Department of Agriculture
Attention: Debbie Wakefield
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713; FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 89
- Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 3205; March 19, 1999
- 4) Date, Time and Location of Public Hearing:

Thursday, April 8, 1999, 10:00 a.m. Illinois Department of Agriculture Agriculture Building Auditorium State Fairgrounds, 8th & Sangamon Springfield, IL 62794-9281

 Other Pertinent Information: Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented. Individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should submit written comments to:

Department of Agriculture
Attention: Debbie Wakefield
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713; FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Horsemeat
- 2) Code Citation: 8 Ill. Adm. Code 70
- 3) Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 3220; March 19, 1999
- 4) Date, Time and Location of Public Hearing:

Thursday, April 8, 1999, 10:00 a.m. Illinois Department of Agriculture Agriculture Building Auditorium Atter Fairgrounds, 8th & Sangamon Springfield, IL 62794-9281

5) Other Pertinent Information: Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony

is presented.

Individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should submit written comments to:

Department of Agriculture
Attention: Debbie Wakefield
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713; FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) <u>Heading of the Part</u>: Illinois Bovidae and Cervidae Tuberculosis Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 80
- Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 3224; March 19, 1999
- 4) Date, Time and Location of Public Hearing:

Thursday, April 8, 1999, 10:00 a.m.
Illinois Department of Agriculture
Agriculture Building Auditorium
State Fairgrounds, 8th & Sangamon
Springfield, IL 62794-9281

5) Other Pertinent Information:

Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should submit written comments to:

Department of Agriculture
Attention: Debbie Wakefield
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713; FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Heading of the Part: Livestock Auction Markets

1

- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 3229; March 19, 1999
- 4) Date, Time and Location of Public Hearing:

Thursday, April 8, 1999, 10:00 a.m. Illinois Department of Agriculture Agriculture Building Auditorium State Fairgrounds, 8th & Sangamon Springfield, IL 62794-9281

5) Other Pertinent Information:

Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should submit written comments to:

Department of Agriculture
Attention: Debbie Wakefield
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713; FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Livestock Dealer Licensing
- 2) Code Citation: 68 Ill. Adm. Code 610
- Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 3234; March 19, 1999
- 4) Date, Time and Location of Public Hearing:

Thursday, April 8, 1999, 10:00 a.m. Illinois Department of Agriculture Agriculture Building Auditorium State Fairgrounds, 8th & Sangamon Springfield, IL 62794-9281

5) <u>Other Pertinent Information</u>: Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should submit written comments to:

Department of Agriculture Attention: Debbie Wakefield P.O. Box 19281 Springfield, IL 62794-9281 217/785-5713; FAX #: 217/785-4505. In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

NOTICE OF PUBLIC HEARING ON PROPOSED REPEALER

Heading of Part: Livestock

7

- 2) Code Citation: 8 Ill. Adm. Code 45
- 3) Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 3238; March 19, 1999
- Date, Time and Location of Public Hearing:

4)

Thursday, April 8, 1999, 10:00 a.m. Illinois Department of Agriculture Agriculture Building Auditorium State Fairgrounds, 8th & Sangamon Springfield, IL 62794-9281

5) Other Pertinent Information:

Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should submit written comments to:

Department of Agriculture
Attention: Debbie Wakefield
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713; FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- The Notice of Proposed Amendment being corrected appeared at 23 Ill. Reg. 2735, dated March 5, 1999.
- 4) The information being corrected is as follows:

Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses and not-for-profit corporations are affected in circumstances where the State would purchase from them.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

Small businesses and not-for-profit entities are encouraged to comment.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

Heading of the Part: Standard Procurement

1)

- Code Citation: 44 Ill. Adm. Code 1
- The Notice of Proposed Amendment being corrected appeared at 23 Ill. Re 2824, dated March 12, 1999.
- 4) The information being corrected is as follows:

A Complete Description of the Subjects and Issues Involved: Raises the small purchase threshold from \$10,000 to \$25,000.

Initial Regulatory Flexibility Analysis:

- Types of small businesses, small municipalities and not for profit corporations affected: Small businesses and not-for-profit corporations are affected in circumstances where the State would purchase from them.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- Small businesses and not-for-profit entities are encouraged to comment.

DEPARTMENT OF LABOR

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers Action: 350.280 (a) Modify
- 4) Date Notice of Proposed Rules Published in the Register: May 15, 1998, 22 Ill. Reg. 8283
- Date JCAR Statement of Objection Published in the Register: January 4, 1999, 23 Ill. Reg. 349.
- 6) Summary of Action Taken by the Agency:

IDOL has elected to amend Section 350.280 (a) as follows to meet JCAR's objection:

- 1. In Section 350.280, after "a)", add:
- 1) Incorporations
- 2. In Section 350.280(a), add:
- The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998, no later amendments or editions) shall apply for purposes of this Part. Where specific reference is made, and that reference incorporates material by reference, the material incorporated is a part of this Part and shall be that which is effective as indicated, not including any later amendments or editions. Copies are available at the Department's Chicago office. Copies of the federal Occupational Safety and Health Administration material may also be obtained at http://www.osha-slc.gov/SLTC/respiratoryprotection/index.html

Preamble: Respiratory Protection; Final Rule, 63 Fed. Req. 1152 (Jan. 8, 1998).

Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998).

Inspection Procedure for the Respiratory Protection Standard, CPL 2-0.120 (Sept. 18, 1998).

Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Realth Standards

DEPARTMENT OF LABOR

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Programs (Sept. 30, 1998).

Illinois Fire Chiefs Association - A Guideline on OSH's 1998 Update of its 1971 Respiratory Protection Standard (March 9, 1999)."

Robert M. Healey, Director Department of Labor

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION TO PROPOSED RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Asbestos Abatement for Public or Private Schools and Commercial and Public Buildings in Illinois
- 2) Code Citation: 77 Ill. Adm. Code 855
- 3) <u>Section Numbers</u>: 855.20 855.20 855.240 855.330
- 4) Notice of Proposed Rules published in the Illinois Register: 22 Ill. Reg. 4632; March 13, 1998
- 5) JCAR Statement of Objection to Proposed Rules published in the Illinois Register: 23 Ill. Reg. 2822; March 5, 1999
- 6) Date agency submitted this modification to JCAR for approval: March 12, 1999
- 7) Summary of Action Taken by the Agency:

The following specific modifications were made in response to the objection:

- 1. In Section 855.5, a new subsection (e) was added to read:
- e) Notwithstanding any other provision of Part 855, the asbestos requirements established by USEPA and OSHA and incorporated by reference in Section 855.10(a) of this Part shall govern the repair, maintenance, and removal of nonfriable resilient floor covering materials and persons designing, planning, contracting, supervising and/or performing such activities and related inspections. The notification requirements set forth in Sections 855.220(a) and (b) and 855.330(c) shall apply to such removals as applicable.
- 2. In Section 855.20, added the following definition of "Resilient Floor Covering Materials" after the definition of "Repair":

"Resilient Floor Covering Material" means asbestos-containing floor tile (including asphalt and vinyl floor tile) sheet vinyl flooring, and floor adhesives or mastics.

3. In Section 855.240, change the introductory sentence to read:

The contractor, building owner, or building owner's representative shall reestablish the work area in accordance

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION TO PROPOSED RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

with the following procedures:

In Section 855.330, delete subsections (c), (c)(1), (c)(3), and (d).

4.

- Section 855.330(c)(2) will become (c) and will read as follows: 5
- be submitted at least 10 working days prior to the beginning of an asbestos resilient floor covering material project in a The Floor Tile Project Notice form provided by Department must school building. G

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JOINT COMMITTEE ON ADMINISTRATIVE RULES ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706. The following second notices were received by the Joint Committee on Administrative Rules during the period of March 9, 1999 through March 15, 1999 and have been scheduled for review by the Committee at its April 20, 1999 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
4/22/99	Department of Natural Resources, Illinois List of Endangered and Threatened Fauna (17 Ill Adm Code 1010)	10/2/98 22 III Reg 17283	4/20/99
4/22/99	Department of Professional Regulation, Optometric Practice Act of 1987 (68 Ill Adm Code 1320)	1/4/99 23 Ill Reg 123	4/20/99
4/22/99	Department of Professional Regulation, Illinois Dental Practice Act (68 Ill Adm Code 1220)	10/16/98 22 Ill Reg 18797	4/20/99
4/22/99	Department of Professional Regulation, Clinical Social Work and Social Work Practice Act (68 Ill Adm Code 1470)	10/23/98 22 Ill Reg 19203	4/20/99
4/23/99	Department of Human Services, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	9/4/98 22 Ill Reg 15872	4/20/99
4/23/99	Department of Human Services, General Assistance (89 Ill Adm Code 114)	9/4/98 22 Ill Reg 15901	4/20/99
4/23/99	Department of Commerce and Community Affairs, State Administration of the Federal Community Development Block Grant Program for Small Cities (47 Ill Adm Code 110)	12/4/98 22 Ill Reg 20658	4/20/99
4/23/99	Department on Aging, Community Care Program (89 Ill Adm Code 240)	9/4/98 22 Ill Reg 15753	4/20/99

PROCLAMATIONS

MALCOLM ANDERBERG DAY 99-42

WHEREAS, Malcolm "Mal" Anderberg is the owner of the Dial Machine Company in Rockford, Illinois, and the Petro Truck Stop on Highway I-39; and

WHEREAS, Malcolm Anderberg was able to bring hundreds of small businesses

together as a unified voice; and

Malcolm Anderberg for his leadership and dedication to Rockford businesses WHEREAS, the community of Rockford and the State of Illinois are taxpayers; and to

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim WHEREAS, Malcolm Anderberg has shown his dedication and commitment to the Rockford community through his time and financial support;

February 1, 1999, as MALCOLM ANDERBERG DAY in Illinois. Issued by the Governor February 25, 1999.

Filed by the Secretary of State March 8, 1999.

PROFESSIONAL SOCIAL WORK MONTH

WHEREAS, the business of social work is helping people to help themselves; and

WHEREAS, professional social workers use their education, training and

society including Fortune 500 companies, courts, mental health centers, managed professional social workers work in virtually every sector of nursing employee assistance programs and public and private agencies; and care companies, schools, legislatures, child welfare agencies, commitment to make a real difference in people's lives; and WHEREAS,

WHEREAS, employers hire professional social workers because they are able to provide compassionate services that make good business sense; and

WHEREAS, professional social workers save money for the community and the taxpayers through prevention services which help individuals and families to cope with problems;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 1999 as PROFESSIONAL SOCIAL WORK MONTH in Illinois and urge all members of the community to support the work of the social work profession.

Issued by the Governor February 25, 1999. Filed by the Secretary of State March 8, 1999.

PURCHASING MONTH

WHEREAS, the National Association of Purchasing Management (NAPM) strives to improve their standards and performance of purchasing professionals; and

WHEREAS, the Purchasing Management Association of Chicago (PMAC) is a stresses that founded in 1913, non-for-profit organization,

WHEREAS, PMAC is dedicated to helping purchasing professionals improve their job performance and advancement opportunities through educational professionals how to increase their organization's bottom line; and programs and interaction with one another; and

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PROCLAMATIONS

WHEREAS, NAPM produces the National Report on Business and PMAC produces the Chicago Report, monthly economic reports, which have earned national and international recognition;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 1999 as PURCHASING MONTH in Illinois.

Filed by the Secretary of State March 8, 1999. Issued by the Governor February 25, 1999.

SAVE YOUR VISION WEEK

is a unique and valuable asset to the vitality, independence and productivity of its citizens; WHEREAS, the State of Illinois recognizes that vision

WHEREAS, it is known that the visual well-being of Illinois' citizens can be greatly threatened by eye diseases and vision conditions; and

WHEREAS, it is the duty of the people of Illinois to protect their health by learning more about their eyes and vision and by seeking professional eye care on a routine basis;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 7-13, 1999, as SAVE YOUR VISION WEEK in Illinois and urge all citizens to begin taking the necessary steps to safeguard their visual health.

Filed by the Secretary of State March 8, 1999. Issued by the Governor Feburary 25, 1999.

99-46

CAREER EXPO AND HEALTH FAIR DAY

WHEREAS, Malcolm X College serves a culturally rich and diverse community

and is dedicated to "empowerment through education"; and WHEREAS, Malcolm X College offers innovative and progressive programs in a assistant, pharmacy, phlebotomy, radiology, surgical technology, liberal arts computer information systems, emergency medical technician/paramedic, medical of fields including business administration, child development, and sciences; and

WHEREAS, Malcolm X College's Career Development & Cooperative Education Center and its Board of Advisors representing numerous businesses and agencies independence to prepare for, and secure, employment and basic health care has assisted thousands of Chicago area residents striving for

WHEREAS, Malcolm X College's Tenth Annual Career Expo and Health Fair is expected to draw more than 5,000 students and community residents, and more government agencies, nonprofit than 100 corporations, health facilities, organizations and universities; services; and

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 26, 1999, as CAREER EXPO AND HEALTH FAIR DAY in Illinois.

Filed by the Secretary of State March 8, 1999. Issued by the Governor February 26, 1999.

GARDEN WEEK

Council of State Garden Clubs, is promoting National Garden Week in Illinois; WHEREAS, the Garden Clubs of Illinois, in cooperation with the National

communities by encouraging citizens of all ages to work toward common goals; to Garden Week involves setting aside a special week

programs, cleanup, community beautification, flower shows, garden walks, educational WHEREAS, among Garden Week activities are youth activities, and workshops; and

WHEREAS, the Garden Clubs of Illinois is a non-profit organization with more than 9,000 members and 250 clubs throughout Illinois; and WHEREAS, the members are concerned citizens willing to devote their time State's natural treasures and to expand and share our knowledge for the and beautification of the conservation, preservation, betterment of the environment; and talents to

Illinois, proclaim o£ State THEREFORE, I, George Ryan, Governor of the June 6-12, 1999, as GARDEN WEEK in Illinois.

Issued by the Governor February 26, 1999.

Filed by the Secretary of State March 8, 1999.

MAURY AND ORA AARON DAY

"the Torah's vehicle for sustaining individuals in a period of crisis", opened as a free medical clinic in March of 1971; and WHEREAS, The ARK,

of medical, social welfare and other human services for the physical, social and spiritual WHEREAS, The ARK's purpose is to provide the highest quality well-being of the client/patient of The ARK; and

eye care to more than 16,000 individuals, 6,000 families and 3,500 newly arrived immigrants from six centers WHEREAS, today, The ARK provides over 130 services including legal aid, counseling, medical care, dental care and on Chicago's north side; and

packages to 2,000 hungry people each month and provides food WHEREAS, The ARK food pantry, one of The ARK's numerous programs, vouchers for groceries at local stores to 300 families; and distributes food

WHEREAS, Maury and Ora Aaron, two of the many individuals who make The ARK successful, are being recognized for their support of and involvement with

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 7, 1999, as MAURY AND ORA AARON DAY in Illinois. ARK and numerous other social organizations;

Issued by the Governor February 26, 1999.

Filed by the Secretary of State March 8, 1999.

ROTARY CLUB OF URBANA DAY

ō a small group WHEREAS, the Rotary Club of Urbana began in 1924 when businessmen began to meet regularly; and

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the Rotary Club of Urbana's membership has grown to 156 members, 18 percent of which are women; and

WHEREAS, the Rotary Club of Urbana is celebrating its 75th anniversary March 10, 1999; and

on

WHEREAS, the Rotary Club of Urbana has had 300 Paul Harris Fellows named from its membership; and

of WHEREAS, the Rotary Club of Urbana has had a proud history service and dedication to the Urbana community; and

WHEREAS, the Rotary Club of Urbana regularly participates in the Polio Plus Campaign, the Ambassadorial Scholarship Program, and sponsors several Urbana High School students for Rotary Exchange Programs all over the world;

Governor of the State of Illinois, proclaim March 10, 1999, as ROTARY CLUB OF URBANA DAY in Illinois. THEREFORE, I, George Ryan,

Filed by the Secretary of State March 8, 1999.

Issued by the Governor February 26, 1999.

ABSOLUTELY INCREDIBLE KID DAY

sponsor Absolutely WHEREAS, Camp Fire Boys and Girls of Illinois will Incredible Kid Day on March 18, 1999; and

Camp Fire Boys and Girls has issued a call to action, asking every adult in Illinois to write a letter to a child or children on March 18, WHEREAS,

WHEREAS, the Illinois Prairie Council of Camp Fire, founded in 1917, serves more than 3,000 children annually in DuPage, Will, Kane and parts of WHEREAS, the Metropolitan Chicago Council of Camp Fire, founded in 1912, serves more than 5,000 children annually in Cook, Lake and McHenry County; and

affecting youth and their families, Camp Fire Boys and Girls helps youth cope WHEREAS, through contemporary programs and by speaking out on with their changing world; and Cook County; and

WHEREAS, Camp Fire Boys and Girls is commended for the valuable programs to young people in the State of Illinois and for the many services these young people perform in their communities;

proclaim Illinois, March 18, 1999, as ABSOLUTELY INCREDIBLE KID DAY in Illinois. State of THEREFORE, I, George Ryan, Governor of the

Issued by the Governor March 1, 1999.

Filed by the Secretary of State March 8, 1999.

CERTIFIED ATHLETIC TRAINERS WEEK

WHEREAS, the State of Illinois recognizes the importance of certified athletic trainers as health care practitioners who provide quality promote injury prevention for the physically active; and

Illinois certified athletic trainers are responsible individuals whose duties include the prevention, evaluation, treatment and rehabilitation of injuries caused during physical activities or athletics; and

WHEREAS, certified athletic trainers are recognized for their knowledge

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skill as allied health professionals; and and

important vitally ল WHEREAS, the certified athletic trainer has become part of health care in Illinois and the country;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 13-20, 1999, as CERTIFIED ATHLETIC TRAINERS WEEK in Illinois.

Issued by the Governor March 1, 1999.

Filed by the Secretary of State March 8, 1999.

99-52

NATIONAL COUNCIL OF NEGRO WOMEN DAY

ρλ WHEREAS, the National Council of Negro Women was founded in 1935 legendary educator and civil rights leader Mary McLeod Bethune; and

WHEREAS, the National Council of Negro Women is considered the voice of over four million women of color throughout Illinois and the United States of

the National Council of Negro Women will hold its eighth annual Tribute to Black Women Community Leaders; and WHEREAS,

WHEREAS, the tribute will host 500 attendees at the Chicago Marriott

WHEREAS, the Tribute to Black Women Community Leaders will be celebrated in seven cities across Illinois;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim May 15, 1999, as NATIONAL COUNCIL OF NEGRO WOMEN DAY in Illinois.

Filed by the Secretary of State March 8, 1999. Issued by the Governor March 1, 1999.

SET A GOOD EXAMPLE MONTH 99-53

WHEREAS, the youth of Illinois are our State's most precious resource and hope for the future; and WHEREAS, drug abuse, violence, juvenile crime and delinquency are a threat the happiness and well-being of today's children and the integrity of our society; and 20

environment where they are concerned more for their safety than their studies; WHEREAS, it is difficult, if not impossible, for children to learn

WHEREAS, young people in today's society need good examples set for them as they often encounter situations which severely test their decision-making skills with regards to drugs, gangs and other unhealthy lifestyles; and

Children's Set A Good Example campaign for the purpose of encouraging youth to of a concern for our nation's youth and their future, created the national out WHEREAS, the Concerned Businessmen's Association of America, educate themselves and set good examples for their peers; and

schools will participate in the Set A Good Example campaign by not using drugs WHEREAS, 12 million children representing every state and more than 10,000 and by promoting honesty, trust, competence, tolerance and understanding;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim June 1999 as SET A GOOD EXAMPLE MONTH in Illinois.

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Filed by the Secretary of State March 8, 1999. Issued by the Governor March 1, 1999.

TREE CITY USA MONTH

WHEREAS, the forest resources in and around Illinois communities are important to the citizens of Illinois; and WHEREAS, these forest resources conserve energy, mitigate storm water and urban heat islands, maintain wildlife habitats, improve air and water quality, and increase social well-being; and

WHEREAS, the Department of Natural Resources has been successful in building local capacities to manage forest resources within our populated

WHEREAS, a well-managed urban and community forest is essential for enhanced public safety and well-being; and

WHEREAS, 28 units of government received Urban Forestry Assistance grants the establishment and enhancement of existing community forestry efforts; for

WHEREAS, over 155 communities have qualified as Tree City USA Communities and 37 of the 155 communities achieved the "Growth Award"; and

WHEREAS, Tree City USA Communities have made significant contributions toward enhancing the quality of life by improving the urban forest resources of THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 1999 as TREE CITY USA MONTH in Illinois, and ask all citizens to work together to preserve, through proper management, the natural beauty of our State this month and throughout the year.

Issued by the Governor March 1, 1999.

Filed by the Secretary of State March 8, 1999.

WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY

WHEREAS, poverty, loneliness, and anonymity are ever present realities in our society; and

victims of these tragic conditions that often lead to suffering, abandonment, WHEREAS, many citizens, visitors, and strangers, at any given and death; and

WHEREAS, various individuals, groups, and organizations (public, private, heroic efforts to remember and care for these indigent, religious) make

contributions to disabled, lonely, and unknown persons who live and die among us; and WHEREAS, the unselfish acts of these caregivers and the

elderly, confined, orphaned and dying, attend interfaith memorial services, and our society of care receivers are not always known and formally recognized; and WHEREAS, citizens of the State of Illinois are encouraged to participate visit the sick, in various community awareness exhibits and seminars, to visit and preserve the Potter's Field in their area; and

WHEREAS, the hope and noble desire of all is to share equally in the blessings of liberty, justice, and prosperity granted by Almighty God;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim May 1999, as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois. Issued by the Governor March 1, 1999. 26,

Filed by the Secretary of State March 8, 1999.

RECALL ROUND-UP DAY

unintentional injuries are the leading cause of death to persons under 35 and the fifth leading cause of death in the nation; and WHEREAS,

unintentional injuries kill more children over the age of one

than any disease; and

nationally are related to consumer products that fall under the jurisdiction of WHEREAS, each year an average of 22,000 deaths and 29.5 million the US Consumer Product Safety Commission (CPSC); and

WHEREAS, the deaths, injuries and property damage associated with consumer products costs the nation over \$400 billion annually; and

WHEREAS, in 1998, the US CPSC negotiated some 300 recalls involving over 35 million consumer products that presented a significant risk of injury to the public; and

WHEREAS, many hazardous products that have been recalled remain in homes, flea markets, garage sales or second-hand stores; and

local governments and community organizations across the nation, is launching on March 30, 1999, the US CPSC, in conjunction with State and "Recall Round-Up Day" as a national child safety campaign to round-up unsafe WHEREAS, products; and

organize local roundups of dangerous and defective consumer products and work with local safety health, consumer agencies and community organizations WHEREAS, the State of Illinois will support and encourage its citizens alert parents, children's care givers and the general public to the hazards

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Governor of the State of Illinois, proclaim March 30, 1999, as RECALL ROUND-UP DAY in Illinois. selected recalled consumer products; THEREFORE, I, George Ryan,

Issued by the Governor March 2, 1999.

Filed by the Secretary of State March 8, 1999.

AGRICULTURE WEEK/AGRICULTURE DAY 99-57

nearly \$50 billion to the State economy, employing nearly 900,000 Illinoisans with approximately 1,400 food-producing companies in the State; and Illinois, WHEREAS, Illinois is home to hundreds of companies engaged in in life agriculture is an important part of

WHEREAS, Illinois is gifted with some of the richest agricultural resources in the world, with more than 28 million acres of farmland; and manufacturing of agricultural products; and

WHEREAS, Illinois farmers are leaders in the production of corn and soybeans, which make up about one-fourth of all United States agricultural are leaders in livestock production and natural resource protection; and

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production agriculture and agricultural processing and ranks number one among all states in in the nation WHEREAS, Illinois ranks near the top in the production of ethanol; and

week of March 14-20, 1999, is designated as National and March 25, 1999 is designated as Illinois' Agricultural designated . S 14-20, 1999, Agriculture Week WHEREAS, the

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 14-20, 1999, as AGRICULTURE WEEK and March 25, 1999, as AGRICULTURE DAY in Illinois.

Issued by the Governor March 3, 1999. Filed by the Secretary of State March 8, 1999.

99-58

CHILD ABUSE PREVENTION MONTH

children WHEREAS, child abuse is a major cause of preventable death among in our country; and WHEREAS, child abuse is recognized as a pervasive problem in today's

society which affects the community as a whole; and WHEREAS, child abuse can take the form of physical abuse, emotional abuse, sexual abuse and/or neglect; and

WHEREAS, all citizens can help stop child abuse in Illinois by being concerned about the health and safety of your neighborhood children and by WHEREAS, all citizens can help stop child abuse in Illinois calling 1-800-25ABUSE to report suspected child abuse; and

WHEREAS, the month of April has been designated National Child Abuse Prevention Month;

Governor of the State of Illinois, proclaim Illinois April 1999 as CHILD ABUSE PREVENTION MONTH in Illinois and urge all residents to become active partners in efforts to prevent child abuse. THEREFORE, I, George Ryan,

Filed by the Secretary of State March 8, 1999, Issued by the Governor March 3, 1999.

HADLEY H. PFEIFFER DAY

Pfeiffer was born March 8, 1909, in Green City, Hadley H. WHEREAS,

North East Missouri WHEREAS, Hadley attended Green City schools and Teachers College at Kirksville, Missouri; and Missouri; and

on April 1, 1933, in on January WHEREAS, Hadley and Annabelle moved to Springfield, Illinois, Shaw Hadley Pfeiffer married Annabelle Milan, Missouri; and WHEREAS,

WHEREAS, Hadley is the father of Dr. H. Jack Pfeiffer of Springfield and the grandfather of Tanni Lovelace and Todd Pfeiffer both of Chatham, Illinois. 1, 1936, and still reside in Springfield; and

served 37 years as a precinct committeeman and 30 years as a Woodside Township trustee; WHEREAS, Hadley has been active in many civic organizations. He Mr. Pfeiffer is the great-grandfather of six children; and

WHEREAS, Mr. Pfeiffer is a member of Congregational Church; and

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WHEREAS, Hadley Pfeiffer retired from Sangamo Electric Company after 30 years of dedicated service; and

WHEREAS, Hadley will be celebrating his 90th birthday with family members in Springfield, Illinois, at a dinner party given in his honor on March 8th at

WHEREAS, a celebration party hosted by his family will be held on March the home of Jack Pfeiffer; and 11th at Abe's Trading Post;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 8, 1999, as HADLEY H. PFEIFFER DAY in Illinois.

Filed by the Secretary of State March 8, 1999. Issued by the Governor March 3,

LAND MINE AWARENESS DAY

an estimated 110 million land mines buried in 64 WHEREAS, there are countries worldwide; and

WHEREAS, land mines are indiscriminate killers whose life spans extend beyond the end of armed conflict and hostilities, and lay dormant even when peace is achieved; and

WHEREAS, land mines kill at least 10,000 people each year and maim another 20,000 with more than 80 percent of those killed and injured being innocent

costs between \$3 and \$30 to produce a land mine, and between civilians, mostly women and children; and i.

WHEREAS, land mines caused 33 percent of all U.S. casualties and 38 percent of all deaths in Vietnam and 34 percent of all U.S. casualties during \$300 and \$1,000 to remove it; and

the Gulf War, and every American military casualty in Bosnia has been land mine

has called upon the international community to help rid the world of the plague, and hundreds of non-governmental organizations have joined to form the WHEREAS, in response to the global land mine crisis, the United Nations related; and

on May 16, 1996, President Clinton announced his support for a International and U.S. Campaign to Ban Land Mines; and comprehensive ban on antipersonnel land mines; and WHEREAS,

where over 100 states signed a comprehensive treaty calling for an immediate global ban on land mines; WHEREAS, in December 1997, the Canadian government hosted a conference

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 10, 1999, as LAND MINE AWARENESS DAY in Illinois.

Issued by the Governor March 3, 1999.

Filed by the Secretary of State March 8, 1999.

ROBERT HAISMAN DAY

Illinois Education Association-NEA is the largest education organization in Illinois, representing 100,000 members, and is a respected force for public education throughout the State; and

WHEREAS, the IEA-NEA stands for public education on the toughest of issues

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such as school and pension funding, school safety and complex special education

WHEREAS, Robert Haisman, president of the IEA-NEA is an award-winning, veteran public school teacher with over 26 years experience; and

WHEREAS, Haisman was elected to the IEA-NEA presidency in 1993 serving on the association's board of directors for over six years; and Haisman has led the association's effort to spearhead education funding reform; and WHEREAS,

Illinois Schools and Education Program (IEA RISE) was created and has become Renewal for WHEREAS, during Robert Haisman's presidency at IEA-NEA, the most positive school reform initiative in Illinois; and

Party political effort which has led to the election of numerous "education-first" Education WHEREAS, Haisman spearheaded IEA-NEA's bipartisan, constitutional officers and legislators; and

WHEREAS, Robert Haisman will retire from the IEA-NEA's presidency effective July 6, 1999 following a distinguished career representing Illinois

of Illinois, proclaim State THEREFORE, I, George Ryan, Governor of the July 6, 1999, as ROBERT HAISMAN DAY in Illinois.

Issued by the Governor March 3, 1999.

Filed by the Secretary of State March 8, 1999.

THE CHICAGO LIGHTHOUSE DAY

maximizes their full potential for independent living and educates the public about the abilities of people who have visual impairments; and WHEREAS, The Chicago Lighthouse for People Who Are Blind or Visually Impaired assists people in achieving and maintaining economic self-support,

Distinction" WHEREAS, The Chicago Lighthouse will hold "A Celebration of at its Sixth Annual Black-Tie Gala and Testimonial; and

present two distinguished recipients with the first Beacon of Excellence Award; WHEREAS, during the celebration, The Chicago Lighthouse officials will

Ą. WHEREAS, the 1999 winners of the Beacon of Excellence Award are Alfred Rosenbloom and Gerald A. Fishman; and

WHEREAS, Alfred A. Rosenbloom has completed nine missions to Mexico and Central and South America on behalf of better eye care; won numerous awards for service including the Louisa Lee Schuyler Lifetime Achievement Award; and the founding Director of The Chicago Lighthouse Low Vision Clinic; and

WHEREAS, Gerald A. Fishman is a Professor and the Director of the Electrophysiology Laboratory at the University of Illinois at Chicago; sits on numerous boards and commissions; and is the author of over 200 publications;

George Ryan, Governor of the State of Illinois, proclaim April 17, 1999, as THE CHICAGO LIGHTHOUSE DAY in Illinois.

Issued by the Governor March 3, 1999.

Filed by the Secretary of State March 8, 1999.

WATER QUALITY ASSOCIATION DAY

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WHEREAS, the Water Quality Association, headquartered in Lisle, Illinois, will celebrate its Silver Anniversary in August of 1999; and

WHEREAS, the Water Quality Association represents 2,300 manufacturers and distributors of residential, commercial, industrial and small community water quality improvement systems; and

WHEREAS, water treatment technology continues to advance in order to meet a growing statewide and national demand for clean safe, water; and

WHEREAS, the Water Quality Association has dedicated itself to providing consumers with efficient, cost-effective water treatment systems;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 18, 1999, as WATER QUALITY ASSOCIATION DAY in Illinois.

Issued by the Governor March 3, 1999. Filed by the Secretary of State March 8, 1999.

ISSUES INDEX Vol. 23, Issue 13

March 26, 1999

Rules acted upon during the calender quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 III. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to

the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).	Code Division at 217-762	TIT OF JIMMING CARDINA		
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ILLINOIS REGISTER ADMINISTRATIVE CODE ORDER FORM

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